



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

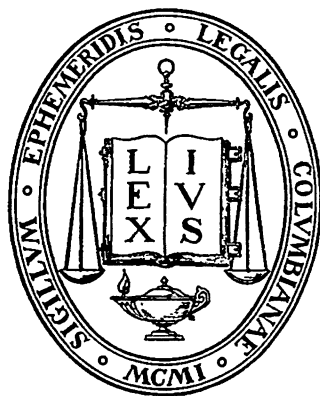
Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

COLUMBIA

LAW REVIEW

VOL. V—1905



NEW YORK
THE COLUMBIA UNIVERSITY PRESS
THE MACMILLAN COMPANY, AGENTS

1905

COPYRIGHT, 1905

By the Trustees of THE COLUMBIA LAW REVIEW



This volume is printed on acid free paper by
WILLIAM S. HEIN & CO., INC.

CUMULATIVE INDEX

OF THE

COLUMBIA LAW REVIEW

VOLUMES ONE TO FIVE

COPYRIGHT, 1906

By the Trustees of THE COLUMBIA LAW REVIEW

TITLE INDEX TO ARTICLES.

	VOL.	PAGE
"Agency by Estoppel": <i>Walter Wheeler Cook</i>	V	36
"Agency by Estoppel": <i>John S. Ewart</i>	V	354
Agency Imputed from "Course of Business": <i>E. B. Whitney</i> ...	III	395
Assessments, Remedy by <i>certiorari</i> in the State of New York for Illegal, Erroneous or Unequal: <i>Julien T. Davies</i>	I	419
Attorney's Lien, Enforcement of, under the New York Code of Civil Procedure in case of Settlement by Client: <i>Henry S. Redfield</i>	II	449
Bankruptcy Act, Federal, Proposed Amendments to: <i>S. Whit- ney Dunscomb, Jr</i>	II	313
Bankruptcy, Receivers in, and Proposed Amendments to the Bankrupt Law as to Corporations: <i>James L. Bishop</i>	III	33
Bankruptcy, The Position of a Trustee in, with Reference to In- valid Transfers or Liens: <i>Ellicott D. Curtis</i>	V	584
Banks, Liability of, to the Maker of a Check for the Wrongful Dishonor Thereof: <i>Ernest W. Huffcut</i>	II	193
Common Law, The Expansion of the: <i>Sir Frederick Pollock, Bart.</i> I.....	III	505
II.....	IV	12
III.....	IV	96
IV.....	IV	171
Common Law, What is the: <i>John S. Ewart</i>	IV	116
Constitutional Questions Suggested by Recent Acquisitions: <i>Paul Fuller</i>	I	108
Contract, Impossibility of Performance as an Excuse for Breach of: <i>Frederic C. Woodward</i>	I	529
Contract <i>Inter Absentes</i> , Formation of: <i>Clarence D. Ashley</i>	I	1
Contract, Mutual Assent in: <i>Clarence D. Ashley</i>	III	71
Contract, Should there be Freedom of: <i>Clarence D. Ashley</i>	IV	423
Contracts of Guaranty, Notice of Acceptance in: <i>W. P. Rogers</i> ..	V	215
Constitutional Powers, Expansion of, by Interpretation: <i>Paul Fuller</i>	V	193
Constitution, History of Art. IV., Sec. 1 of the: <i>George P. Cos- tigan, Jr</i>	IV	470
Corporate Trusts: <i>Albert Stickney</i>	I	235
Corporations at Home and Abroad: <i>Thomas Thatcher</i>	II	351
Corporations of Two States: <i>Joseph H. Beale, Jr</i>	IV	391
Criminal Law and its Administration in the State of New York: <i>Robert Earl</i>	II	144
Criminal Procedure, Reform in: <i>Everett P. Wheeler</i>	IV	356
Cuba, The Joint Resolutions of Congress Respecting Relations between the United States and: <i>Carman F. Randolph</i>	I	352
Customary Law in Modern England: <i>W. Jethro Brown</i>	V	561

VI

	VOL.	PAGE
Defamation, The History and Theory of the Law of: <i>Van Vechten Veeder</i> . I.....	III	546
II.....	IV	33
Definition of Law: <i>Melville M. Bigelow</i>	V	I
Equity, The Decadence of: <i>Roscoe Pound</i>	V	20
Estoppel, A Misapplication of the Doctrine of: <i>Thaddeus D. Kenneson</i>	V	261
Estoppel by Assisted Representation: <i>John S. Ewart</i>	V	456
Evidence, New Trials for Erroneous Rulings on: <i>John H. Wigmore</i>	III	433
Exemption of Private Property at Sea from Capture: <i>Samuel B. Crandall</i>	V	487
Farquharson v. King: <i>John S. Ewart</i>	II	223
Federal Police Power, Is there a: <i>Paul Fuller</i>	IV	563
Federal Regulation of Interstate Carriers, Chief Justice Marshall on: <i>E. Parmelee Prentice</i>	V	77
Federal Supervision of Insurance: <i>Carman F. Randolph</i>	V	500
Franchises Affected by Change of Sovereignty, Are: <i>Paul Fuller</i>	III	241
General average, Liability with Cargo for Successive Ports: <i>Harrington Putnam</i>	II	275
Homicide in Self-Defence: <i>Joseph H. Beale, Jr</i>	III	526
Incorporation by Reference: <i>Stewart Chaplin</i>	II	148
Insanity and the Law of Negligence: <i>Wm. B. Hornblower</i>	V	278
Insolvent and Bankrupt Estate, Set-off in the Administration of: <i>James L. Bishop</i>	I	377
Insular Cases, The: <i>Carman F. Randolph</i>	I	436
Insular Decisions of December, 1901, The: <i>Edward B. Whitney</i>	II	79
Insurance Risk, Expert Opinion as to: <i>John H. Wigmore</i>	II	67
International Law in Legal Education: <i>James B. Scott</i>	IV	409
International Law, The Legal Nature of: <i>James B. Scott</i>	V	124
International Law, The Sources of: <i>Sir Frederick Pollock, Bart.</i>	II	511
Interstate and Foreign Commerce, The Concurrent Power of the States to Regulate: <i>David Walter Brown</i>	V	298
Interstate and Foreign Commerce, The Exclusive Power of Congress to Regulate: <i>David Walter Brown</i>	IV	490
Judicial Action by the Provincial Legislature of Massachusetts Bay: <i>Melville M. Bigelow</i>	II	536
Jurisdiction over Non-Residents in Personal Actions: <i>Edward Q. Keasbey</i>	V	436
Jury Trials, Trials of: <i>Alfred C. Cox</i>	I	286
Kent, Chancellor: <i>John F. Dillon</i>	III	257
Kent's Introductory Lecture.....	III	330
Lawless Court of Essex, The: <i>Courtney Kenney</i>	V	528
Law Merchant, What is the: <i>Francis M. Burdick</i>	II	470
Law Merchant, What is the: <i>John S. Ewart</i>	III	135
Law of Nature, The History of. A Preliminary Study: <i>Sir Frederick Pollock, Bart I</i>	I	11
II.....	II	131

VII

	VOL.	PAGE
Legal Education: <i>F. M. Finch</i>	I	94
Legislation, Deliberate: <i>Carman F. Randolph</i>	II	92
Livingston, Edward, and the Louisiana Codes: <i>Eugene Smith</i> ..	II	24
Maritime Lien for Damage: <i>T. G. Carver</i>	III	369
Marriage and Divorce Laws, Proposed Reforms in: <i>Amasa M. Eaton</i> ..	IV	243
Marshall's Day and Ours, In: <i>Alfred C. Coxe</i>	III	88
Mechanic's Lien Law, Consent in the New York: <i>Henry W. Hardon</i>	III	79
Mental Disturbance and Nervous Shock, Tort Liability for: <i>Francis M. Burdick</i>	V	179
Mistake of Law, Recovery of Money Paid under: <i>Frederic C. Woodward</i>	V	366
Moore v. Littell, and the Jackson Title: <i>Everett P. Wheeler</i>	I	347
Motive in Trade and Labor Cases: <i>Wm. Draper Lewis</i>	V	107
Mutuality in Specific Performance: <i>J. B. Ames</i>	III	1
National Incorporation: <i>H. W. Chaplin</i>	V	415
Naval War Code, The: <i>Theodore S. Woolsey</i>	I	298
New York Anti-Trust Act, The: <i>Thaddeus D. Kenneson</i>	IV	83
Northern Securities Case, The: <i>Carman F. Randolph</i> , I.....	III	168
II.....	III	221
III.....	III	305
Northern Securities Decision, The, and the Sherman Anti-Trust Act: <i>George F. Canfield</i>	IV	315
Novel Partition Procedure: <i>Robert Ludlow Fowler</i>	III	295
Nuisances, Summary Abatement of, by Boards of Health: <i>Frank J. Goodnow</i> ..	II	202
Opinion Evidence: <i>Denis O'Brien</i>	I	180
Our New Peoples: Citizens, Subjects, Nationals or Aliens: <i>Fred-eric R. Coudert, Jr.</i>	III	13
Parol Evidence Rule, A Brief History of the: <i>John H. Wigmore</i>	IV	338
Percolating Waters, Property Rights in: <i>Edward T. Hatch</i>	I	505
Peonage Cases, The: <i>Wm. Wirt Howe</i>	IV	279
"Per My Et Per Tout," A Perplexity of: <i>W. A. Purrington</i> ...	II	385
Philippine Constitutional Question—Delegation of Legislative Authority to the President: <i>Edward B. Whitney</i>	I	33
Philosophy of Law, Do We Need a: <i>Roscoe Pound</i>	V	339
Privacy, The Right of: <i>Denis O'Brien</i>	II	437
Prize, The Law of, as Affected by Decisions Made during the Late War between Spain and the United States: <i>Everett P. Wheeler</i>	I	141
Railroads, A Dangerous Position for the: <i>David Walter Brown</i> ..	V	600
Real Property in New York, The Modern Law of: <i>Robert Ludlow Fowler</i>	I	165
Remainders, Vested and Contingent: <i>Stewart Chaplin</i>	I	279
Rescission by Parol Agreement: <i>Samuel Williston</i>	IV	455
Rescission, Codification of the Doctrine of: <i>Francis M. Burdick</i> ..	IV	264

VIII

	VOL.	PAGE
Rescission for Breach of Warranty: <i>Francis M. Burdick</i>	IV	1
Rescission for Breach of Warranty: <i>Samuel Williston</i>	IV	195
Roman Legal History, Problems of: <i>Munroe Smith</i>	IV	523
Rule Against Perpetuities, The New York Revised Statutes and the: <i>George F. Canfield</i>	I	224
Sales, C. O. D., The Locus of: <i>Charles Noble Gregory</i>	IV	541
Sale of Goods, Conditions and Warranties in: <i>Francis M. Bur-</i> <i>dick</i>	I	71
Ship Subsidies and Sugar Bounty Statutes: Their Constitution- ality: <i>Herman Foster Robinson</i>	II	525
Specific Performance of a Contract, The Burden of Loss as an Incident of the Right to: <i>Wm. A. Keener</i>	I	1
State Police Powers and Federal Property Guaranties: <i>Charles C.</i> <i>Marshall</i>	IV	153
Steel Corporation Cases, The: <i>James F. Tracey</i>	III	470
Suicide Murder, Is: <i>Wm. E. Mikell</i>	III	379
Suits between States, Notes on: <i>Kansas v. Colorado: Carman F.</i> <i>Randolph</i> . I.....	II	283
II.....	II	364
Thayer, James Bradley: <i>Charles Sherman Haight</i>	II	238
The Tubwomen <i>v.</i> The Brewers of London: <i>Wm. A. Purring-</i> <i>ton</i>	III	447
Title to Land, Examination of: <i>Edgar Logan</i>	I	471
Trusts, An Episode in the New York Law of: <i>R. Floyd Clarke</i> ..	V	380
Trusts, Destruction of Express, by Merger: <i>Stewart Chaplin</i>	III	155
Uses, Charitable, in New York: <i>Robert Ludlow Fowler</i>	II	10
War, Effect of, on Public Debts and on Treaties—The Case of the Spanish Indemnity: <i>J. B. Moore</i>	I	209
Wills, The Interpretation of—Jarman's Fifth Rule: <i>Simeon E.</i> <i>Baldwin</i>	I	521

AUTHOR INDEX TO ARTICLES.

	VOL.	PAGE
Ames, J. B.: <i>Mutuality in Specific Performance</i>	III	I
Ashley, Clarence D.: <i>Formation of Contract Inter absentes</i>	II	I
<i>Mutual Assent in Contract</i>	III	71
<i>Should there be Freedom of Contract?</i>	IV	423
Baldwin, Simon E.: <i>The Interpretation of Wills—Jarman's</i> <i>Fifth Rule</i>	I	521
Beale, Joseph H., Jr.: <i>Corporations of Two States</i>	IV	391
<i>Homicide in Self-Defence</i>	III	526
Bigelow, Melville M.: <i>Definition of Law</i>	V	I
<i>Judicial Action by the Provincial Legislature of Massa-</i> <i>chusetts Bay</i>	II	536
Bishop, James L.: <i>Receivers in Bankruptcy and Proposed</i> <i>Amendments to the Bankrupt Law as to Corpora-</i> <i>tions</i>	III	33
<i>Set-off in the Administration of Insolvent and Bankrupt</i> <i>Estates</i>	I	377
Brown, David Walter: <i>A Dangerous Position for the Railroads</i> . V 600		
<i>The Concurrent Power of the States to Regulate Inter-</i> <i>state and Foreign Commerce</i>	V	298
<i>The Exclusive Power of Congress to Regulate Interstate</i> <i>and Foreign Commerce</i>	IV	490
Brown, W. Jethro: <i>Customary Law in Modern England</i>	V	561
Burdick, Francis M.: <i>Codification of the Doctrine of Rescission</i> . V 264		
<i>Conditions and Warranties in the Sale of Goods</i>	I	71
<i>Rescission for Breach of Warranty</i>	IV	I
<i>Tort Liability for Mental Disturbance and Nervous</i> <i>Shock</i>	V	179
<i>What is the Law Merchant?</i>	II	470
Canfield, George F.: <i>The New York Revised Statutes and the</i> <i>Rule against Perpetuities</i>	I	224
<i>The Northern Securities Decision and the Sherman</i> <i>Anti-Trust Act</i>	IV	315
Carver, T. G.: <i>Maritime Lien for Damage</i>	III	369
Chaplin, H. W.: <i>National Incorporation</i>	V	415
Chaplin, Stewart: <i>Destruction of Express Trusts by Merger</i> ... III 155		
<i>Incorporation by Reference</i>	II	148
<i>Vested and Contingent Remainders</i>	I	279
Clarke, R. Floyd: <i>An Episode in the Law of Trusts</i>	V	380
Cook, Walter Wheeler: "Agency by Estoppel".....	V	36
Costigan, George P., Jr.: <i>History of Art. IV, Sec. 1, of the</i> <i>Constitution</i>	IV	470
Coudert, Frederic R., Jr.: <i>Our New Peoples: Citizens, Subjects,</i> <i>Nationals or Aliens</i>	III	13

	VOL.	PAGE
Coxe, Alfred C. : <i>In Marshall's Day and Ours</i>	III	88
<i>Trials of Jury Trials</i>	I	286
Crandall, Samuel B. : <i>Exemptions of Private Property at Sea from Capture</i>	V	487
Curtis, Ellicott B. : <i>The Position of a Trustee in Bankruptcy with Reference to Invalid Transfers or Liens</i>	V	584
Davies, Julien T. : <i>Remedy by Certiorari in the State of New York for Illegal, Erroneous or Unequal Assessments</i>	I	419
Dillon, John F. : <i>Chancellor Kent</i>	III	257
Dunscomb, J. Whitney, Jr. : <i>Proposed Amendments to the Fed- eral Bankruptcy Act</i>	II	313
Earl, Robert : <i>Criminal Law and its Administration in the State of New York</i>	II	144
Eaton, Amasa M. : <i>Proposed Reforms in Marriage and Di- vorce Laws</i>	IV	243
Ewart, John S. : <i>"Agency by Estoppel"</i>	V	354
<i>Estoppel by Assisted Representation</i>	V	456
<i>Farquharson v. King</i>	II	223
<i>What is the Common Law ?</i>	IV	116
<i>What is the Law Merchant ?</i>	III	135
Finch, F. M. : <i>Legal Education</i>	I	94
Fowler, Robert Ludlow : <i>Novel Partition Procedure</i>	III	295
<i>The Modern Law of Real Property in New York</i>	I	165
<i>Charitable Uses in New York</i>	II	10
Fuller, Paul : <i>Are Franchises Affected by Change of Sov- ereignty?</i>	III	241
<i>Constitutional Questions Suggested by Recent Acquisi- tions</i>	I	108
<i>Expansion of Constitutional Powers by Interpretation</i> ..	V	193
<i>Is there a Federal Police Power ?</i>	IV	563
Goodnow, Frank J. : <i>Summary Abatement of Nuisances by Boards of Health</i>	II	202
Gregory, Charles Noble : <i>The Locus of Sales C. O. D.</i>	IV	541
Haight, Charles Sherman : <i>James Bradley Thayer</i>	II	238
Hardon, Henry W. : <i>"Consent" in the New York Mechanic's Lien Law</i>	III	79
Hatch, Edward T. : <i>Property Rights in Percolating Waters</i> ..	I	505
Hornblower, Wm. B. : <i>Insanity and the Law of Negligence</i>	V	278
Howe, Wm. Wirt : <i>The Pledge Cases</i>	IV	279
Huffcut, Ernest W. : <i>Liability of Banks to the Maker of a Check for the Wrongful Dishonor Thereof</i>	II	193
Keasbey, Edward Q. : <i>Jurisdiction over Non-Residents in Per- sonal Actions</i>	V	436
Keener, Wm. A. : <i>The Burden of Loss as an Incident of the Right to Specific Performance of a Contract</i>	I	1
Kenneson, Thaddeus D. : <i>A Misapplication of the Doctrine of Estoppel</i>	V	261
<i>The New York Anti-Trust Act</i>	IV	83

	VOL.	PAGE
Kenney, Courtney: <i>The Lawless Court of Essex</i>	V	528
Kent, Chancellor: <i>Introductory Lecture</i>	III	330
Lewis, Wm. Draper: <i>Motive in Trade and Labor Cases</i>	V	107
Logan, Edgar: <i>Examination of Title to Land</i>	I	471
Marshall, Charles C.: <i>State Police Powers and Federal Property Guaranties</i>	IV	153
Mikell, Wm. E.: <i>Is Suicide Murder?</i>	III	379
Moore, J. B.: <i>Effect of War on Public Debts and on Treaties—The Case of the Spanish Indemnity</i>	I	209
O'Brien, Denis: <i>Opinion Evidence</i>	I	180
<i>The Right of Privacy</i>	II	437
Pollock, Sir Frederick, Bart.: <i>The Expansion of the Common Law</i> . I.....	III	505
II.....	IV	12
III.....	IV	96
IV.....	IV	171
<i>The History of the Law of Nature. A Preliminary Study</i> . I.....	I	11
II.....	II	131
<i>The Sources of International Law</i>	II	511
Pound, Roscoe: <i>Do We Need a Philosophy of Law?</i>	V	339
<i>The Decadence of Equity</i>	V	20
Prentice, E. Parmalee: <i>Chief Justice Marshall on Federal Regulation of Interstate Carriers</i>	V	77
Purrrington, W. A.: <i>A Perplexity of "Per My Et Per Tout"</i> ...	II	385
<i>The Tubwomen v. The Brewers of London</i>	III	447
Putnam, Harrington: <i>General Average, Liability with Cargo for Successive Ports</i>	II	275
Randolph, Carman F.: <i>Deliberate Legislation</i>	II	92
<i>Federal Supervision of Insurance</i>	V	500
<i>Notes on Suits between States: Kansas v. Colorado</i> . I... ..	II	283
II... ..	II	364
<i>The Insular Cases</i>	I	436
<i>The Joint Resolutions of Congress Respecting Relations between the United States and Cuba</i>	I	352
<i>The Northern Securities Cases</i> . I.....	III	168
II.....	III	221
III.....	III	305
Redfield, Henry S.: <i>Enforcement of Attorney's Lien under the New York Code of Civil Procedure in Case of Settlement by Client</i>	II	449
Robinson, Herman Foster: <i>Ship Subsidies and Sugar Bounty Statutes: Their Constitutionality</i>	II	525
Rogers, W. P.: <i>Notice of Acceptance in Contracts of Guaranty</i> ..	V	215
Scott, James B.: <i>International Law in Legal Education</i>	IV	409
<i>The Legal Nature of International Law</i>	V	124
Smith, Eugene: <i>Edward Livingston and the Louisiana Codes</i> ..	II	24
Smith, Munroe: <i>Problems of Roman Legal History</i>	IV	523

XII

	VOL.	PAGE
Stickney, Albert: <i>Corporate Trusts</i>	I	235
Tracey, James F.: <i>The Steel Corporation Cases</i>	III	470
Thatcher, Thomas: <i>Corporations at Home and Abroad</i>	II	351
Veeder, Van Vechten: <i>The History and Theory of the Law of Defamation</i> . I.....	III	546
II.....	IV	33
Wheeler, Everett P.: <i>Moore v. Littell, and the Jackson Title</i> ...	I	347
<i>Reform in Criminal Procedure</i>	IV	356
<i>The Law of Prize as Affected by Captures Made during the Late War between Spain and the United States</i> ..	I	141
Whitney, E. B.: <i>Agency Imputed from "Course of Business"</i> ..	III	395
<i>Philippine Constitutional Question—Delegation of Legislative Power to the President</i>	I	33
<i>The Insular Decisions of December, 1901</i>	II	79
Wigmore, John H.: <i>A Brief History of the Parol Evidence Rule</i>	IV	338
<i>Expert Opinion as to Insurance Risk</i>	II	67
<i>New Trials for Erroneous Rulings on Evidence</i>	III	433
Williston, Samuel: <i>Rescission by Parol Agreement</i>	IV	455
<i>Rescission for Breach of Warranty</i>	IV	195
Woodward, Frederic C.: <i>Impossibility of Performance as an Excuse for Breach of Contract</i>	I	529
<i>Recovery of Money Paid under Mistake of Law</i>	V	366
Woolsey, Theodore S.: <i>The Naval War Code</i>	I	298

SUBJECT INDEX OF ARTICLES, NOTES, AND RECENT DECISIONS.

Roman numerals refer to the volume. Numbers in *italics* refer to ARTICLES, heavy-faced type to NOTES, plain type to RECENT DECISIONS.

	VOL.	PAGE
ADMINISTRATIVE LAW :		
<i>Certiorari</i> : remedy for wrongful assessments in New York..	I	419
Changing compensation of officers.....	IV	597
Commissions: notice of meetings.....	V	321
Conclusive findings of fact by administrative officers.....	V	537, 545
Dismissal of policeman by police commissioner	V	321
Elections: legislative regulations.....	V	55, 58
Injunction against public officers.....	II	118
Jurisdiction of courts over special statutory tribunal.....	V	52, 58
Jurisdiction of executive officers over claims of citizenship...		
	IV	290, 299, 437, 510; V 244, 537, 545
Liability of postmaster for negligence.....	V	545
<i>Mandamus</i> :		
against Board of Equalization.....	II	43, 56
against court ..	V	160
against Governor of State.....	II	496
to compel tax collection	II	256
Public officers: expenses of defending suits.....	I	561
Public officer's bond.....	III	354
Removal of judge: <i>quo warranto</i>	V	160
ADMIRALTY :		
Action <i>in rem</i> : counterclaim <i>in personam</i>	V	58
Contributory negligence: division of damages.....	V	470
Demurrage: construction of charter party.....	IV	69
Federal jurisdiction over canals and canal boats.....	IV	131, 137
Freight money: right of mortgagee of ship.....	III	591
General average: cargo for successive ports.....	II	275
Jurisdiction over torts.....	IV	298; V 312, 321
Jurisdiction of U. S. courts over torts committed on foreign vessels..	III	490
Liability of ship: seamen's unauthorized tort.....	V	545
Maritime lien for damage.....	III	309
Master's duty to injured seamen.....	II	556
Naval war code.....	I	208
Negligence causing death on high seas: jurisdiction.....	II	563
Prize law: decisions during Spanish-American war.....	I	141
Salvage: incidental benefit rendered under contract with third party.....	III	585

XIV

	VOL.	PAGE
State statutes not binding upon admiralty courts.....	I	187, 194
State statutes : torts resulting in death.....	V	234, 243

AGENCY :

Admissions by wrongful act of agent.....	I	562
Admissions of an agent.....	III	494
Agent of a corporation not the agent of stockholders.....	I	128
Agent's authority to bind principal for surgical care of employee.....	I	122, 128
Agent's duty of good faith : principal's right to recover commission.....	IV	224
Agent's fraud :		
apparent authority: burden of loss.....	II	44, 49, 223 ; III 56
dealing with stock : liability of corporation.....	IV	368, 374
Agent's liability to third persons for non-feasance.....	III	116, 125
Agent's mistake of law not binding on government.....	I	62
Apparent authority:		
intention to benefit principal.....	III	585
trade custom.....	II	178
Attorney and client :		
champerty.....	IV	298
scope of attorney's authority.....	IV	298
Attorney's right to act in lunacy proceedings : revocation :		
insanity.....	V	161
Committee of unincorporated association : liability of member.....	III	490
Delegation of powers to sub-agent : acts of discretion.....	V	243
Estoppel :		
agency by.....	V	36, 354, 456
insurance contract.....	III	422
liability in tort.....	I	488
misapplication of the doctrine.....	V	261
Husband and wife : contract for necessities.....	I	268
Illegal business : principal's right to an accounting.....	V	472
Imputed from "course of business".....	III	395
Insurance : attempts to limit liability for agent's act.....	II	334, 339
Irrevocable authority.....	III	56
Ostensible ownership.....	III	57
Principal's liability for negligence of agent.....	II	57
Ratification by principal not in existence when agent acted..	IV	374
Ratification by undisclosed principal.....	I	544, 553
Ratification of unauthorized act.....	II	336
Real estate broker :		
duty to report name of purchaser.....	I	57
right to commission.....	V	321
scope of authority to sell.....	I	57
Recovery of secret profits.....	V	319, 322
Revocation by death of principal.....	IV	597

	VOL.	PAGE
Termination : constructive notice by recording deed	III	279
Undisclosed principal : election.....	IV	221, 224
Usurious contract.....	II	256
Waiver of condition in policy by agent.....		
	I	262, 268 ; II 248, 261 ; V 402

ATTORNEYS :

Attorney's lien :

enforcement by equitable action.....	III	424
enforcement of.....	II	449
on will.....	II	344
Compensation for defending pauper.....	IV	139
Infant's estate liable for attorney's fees.....	V	62
Purchase of claims under New York Code.....	III	585

ATTORNEY AND CLIENT :

Champerty.....	IV	298
Improvident stipulations.....	V	322
Privileged communications as evidence in trial.....	II	52
Scope of attorney's authority.....	IV	298
Unconscionable agreement	IV	137

BAILMENTS :

Bailee's right to recover in tort : damages.....	II	49, 324, 336
Conversion by bailee : contribution between bailors...	IV	432, 436
Innkeeper's liability : reasonable regulations.....	IV	436
Pledge : necessity of delivery.....	II	496
Pledge as security : not binding upon administrator.....	II	178
Warehouseman : limitation of liability	IV	597
Warehouse receipt : acceptance of terms.....	III	281

BANKRUPTCY. .

Act of bankruptcy :

appointment of receiver.....	III	208
concealment.....	I	404
Adverse claimants, Who are.....	I	189, 194
Assignee's right to policy without a surrender value.....	I	194
Bankrupt estates : set-off in administration.....	I	377
Chattel mortgages : avoidance : assignees.....	I	269
Conditional vendor, Rights of.....	III	119
Creditor holding collateral, Right of a.....	IV	509
Creditor's release of security : mistake of law.....	II	257
Discharge : defective schedule.....	III	416
Discharge on judgment for slander.....	IV	69
Executions : rights of creditors.....	III	416
Exemption : assignment.....	III	279
Exemptions after fraudulent transfer by debtor.....	I	399, 404
Federal jurisdiction : fraudulent conveyance : recovery of property.....	I	189, 194

XVI

	VOL.	PAGE
Husband and wife : marriage portion : presumption of trust..	I	556
Insurance premiums as fraudulent transfers, Payment of...	I	190, 194
Judgment against insolvent : effect of assignment.....	IV	137
Judgment creditor's right to insurance proceeds.....	I	134
Lunatics.....	II	556
Part payment after beginning of proceedings against joint obligors.....	V	323
Partnership : entity theory in bankruptcy.....	I	132
Partnership and individual creditors.....	IV	595, 598 ; V 58
Preference :		
attaching creditor.....	II	249, 256
creditor and debtor ignorant of the insolvency.....	I	53, 58
debts necessary for maintenance of business.....	V	613
intent of debtor.....	IV	224
set-off.....	I	261, 264 ; II 256
surrender: meaning of transfer.....	IV	224
Provable debt : stay of suit on unliquidated claim.....	I	194
Receivers and proposed amendments as to corporations....	III	33
Revocation of discharge by fraud.....	I	260, 264
State taxation of bankrupt estate.....	III	208
Taxes chargeable against the estate.....	IV	436
Trustee's position : invalid transfers or liens.....	V	584
Trustee's right to surplus income of trust estate.....	III	586
See also INSOLVENCY.		

CARRIERS :

"Act of God" : limitation of liability.....	III	484, 490
Action of official without authority no excuse for non-performance.....	V	243
Adequate facilities : duty to provide sidings.....	IV	436
Assumption of control by shipper.....	III	416
Bill of lading : estoppel.....	IV	138
Bill of lading incorporating statute : construction.....	III	417
Carriage by sea : Harter Act : exemption of negligence....	I	61
Damages for delay in carriage by sea.....	III	198, 210
Discriminations.....	V	244
Exemptions from liability for negligence : conflict of laws. II	160, 178	
Express messengers : release from liability.....	IV	592, 598 ; V 161
Harter Act : burden of proof.....	IV	138
Imperfect identification of consignee.....	III	580
Intersecting railroads: statutory right to unite.....	II	504
Liability beyond terminus of line.....	II	414
Liability for loss of baggage.....	I	320
Liability of carrier and of sleeping car company for theft of money.....	III	586
Liability of railroad for loss of mail.	II	410, 414 ; III 57
Limitation of liability :		
failure to stop <i>in transitu</i>	II	330, 336

XVII

	VOL.	PAGE
measure of damages.....	V	323
negligence of servants.....	V	161
shipper's assent to terms	II 330,	336
special contract.....	I	488
<i>Mandamus</i> to compel proper carrying facilities.....	V	248
Merchandise checked as baggage.....	V	244
"Notify shipment" : rights of party notified.....	IV	509
Operator of passenger elevator as carrier.....	I 398,	413, 495
Passengers :		
duty to protect.....	IV	69
duty to protect against carrier's servants.....	II 488,	497
ejectment of : form of action.....	II	115
ejectment of : mistake of conductor.....	IV 225; V	243
expulsion of : "scalping" on train.....	III	490
liability to gratuitous.....	IV	437
liability to : rights of employee.....	IV	138
scope of servants authority to accept.....	III	119
Passenger and carrier : inception of relation.....	V 53,	59, 546
Passengers and licensees, Duty towards.....	III 115,	119
Public hackman: license fees.....	I	324
Reasonable regulations.....	III 577,	587
Stations :		
accommodations at destination.....	I	129
duty to provide safe depot facilities.....	II	414
right to change location.....	III 485,	491
Statutory classification of employees : employer's liability..	V 393,	397
Statutory liability.....	III	279
Statutory penalties: separate offenses.....	II 115; V	156, 168
Tickets :		
duty of conductor to demand : ejectment from train....	II	414
ejectment from train.....	II	336
false imprisonment.....	I	553
printed stipulations: parol evidence.....	I	196
Ticket scalping : right to enjoin.....	IV 434,	438
Ticket scalping laws.....	I	554

CONFLICT OF LAWS :

Collision on the high seas resulting in death : State statutes.	V 234,	243
Comity : right of foreign receiver to sue.....	I	58
Contracts :		
clause in insurance policy defining the locus of the contract.....	I	61
illegal at place of performance.....	II	558
Contract of carriage :		
exemptions from liability for negligence.....	II 160,	178
stipulation for foreign law : exemption of negligence....	I	61
Divorce : constructive service of process.....	I 396,	407

XVIII

	VOL.	PAGE
Domestic relations : validity of marriage.....	I	197
Foreign attachment as a defence to an action on contract...	III	417
Foreign contracts.....	IV	374
Foreign divorce decree, Effect of: estoppel.....	I	485, 490
Foreign judgment:		
alimony: future discretion of the court.....	I	197
full faith and credit.....	IV	226
Foreign law : presumption of identity with local law.....	I	489
Locus in insurance contract.....	I	61
Negotiable instruments : wife surety for husband.....	II	253, 257
Perjury : oath required by foreign law.....	III	209
Real property : assignment for benefit of creditors.....	III	57
Right of action under foreign statute : effect.....	IV	503, 509
Rights of pledgees under voluntary assignment.....	III	488, 491
State laws in federal courts of equity.....	IV	589, 598
State statutes :		
collision on high seas resulting in death	V	234, 243
federal determination of constitutionality.....	IV	509
Torts : recovery for mental anguish : telegrams.....	I	404
Wrongful death statute : proper party to sue.....	V	545

CONSTITUTIONAL LAW :

Aliens : rights of Chinese within the United States.....	V	59
Attorney's compensation for defense of pauper.....	IV	139
Citizenship as distinct from nationality.....	I	51, 58
Classification of corporations for taxation	II	257
Compulsory registration of electors.....	III	491
Congressional regulation of sales within a State.....	V	388, 397
Constitution of United States : history of Article IV., Sec. 1, IV		470
Contracts in restraint of trade :		
limitations as to area.....	II	166, 180
patents and copyrights.....	IV	370, 376
Criminal contempt of court : power of legislature to de-		
fine.....	IV	65, 70
Criminal law : construction of statutes changing punish-		
ment.....	IV	593, 601
Direct taxes : War Revenue Act of 1898.....	II	556
Due process of law :		
carrier's statutory liability.....	III	279
change in amount of alimony.....	III	356
destruction of property unlawfully used.....	II 179; V	313, 323
distribution of proceeds of licenses.....	IV	226
federal cognizance of the acts of lynchers	V	465, 470
in the New York anti-monopoly law.....	I	553
power of legislature to make evidence conclusive....	II	493, 497
taxation.....	IV	227
Effect of decision holding act unconstitutional.....		
	III	272, 280; IV 226, 379

	VOL.	PAGE
Elections: names of candidates on ballots more than once.		
	III 51, 58; V 59	
Eleventh amendment: suits against State officers.....	II	416
Eminent domain, see EMINENT DOMAIN.		
Equal protection of the laws:		
federal cognizance of the acts of lynchers.....	V	465, 470
race discrimination in the selection of grand jury.....	IV	225
selection of a jury	I	196
Expansion of constitutional powers by interpretation.....	V	193
Extradition: fugitive from justice.....	III 60, 282	
Federal and State courts: conflict of jurisdiction: contempt.	II	415
Federal control of railroads	V	600
Federal jurisdiction: protection of federal officers.....	III	354
Federal police power	IV	563
Federal practice:		
removal of cause.....	I	267
rules of decisions.....	I	267
Federal supervision of insurance	V	500
Foreign corporations: admission upon conditions ousting		
federal courts of jurisdiction	V 231, 244	
Foreign judgments: full faith and credit.....	IV	226
<i>Habeas Corpus</i> , see HABEAS CORPUS.		
Impairment of contract:		
by abolition of municipal corporations	IV 596, 598	
change in method of assessing corporation tax.	I 191, 196	
existing decisions as part of contract.....		
	III 272, 280; IV 226; V 542, 546	
pension act.....	IV	510
State laws	IV	599
Impairment of judgment lien	IV	139
Inheritance tax: discrimination: fourteenth amendment....	II	415
Insular cases.....	I	436
limitations: applications to new possessions.....	III 481, 492	
Insular decisions of 1901.....	II	79
Interstate commerce, see INTERSTATE COMMERCE.		
Jurisdiction of executive officers over claims of citizenship		
	IV 290, 299, 437, 510; V 244, 537, 545	
Jurisdiction of federal courts: diverse citizenship: foreign		
corporations.....	V	471
Legislative control over municipal corporation's right to con-		
tract.....	I 315, 405, 407; IV 127, 139, 289, 299; V 162	
Legislative control over the right to vote.....	V 55, 58	
Legislative power to define <i>prima facie</i> case: fraudulent		
conveyance.	III	491
Liability of railroad for damages resulting from structure		
ordered by legislature.....	IV	76
Municipal license tax on interstate commerce: test of rea-		
sonableness	IV 371, 375	
Municipalities' power to regulate street railway rates....	II 487, 497	

	VOL.	PAGE
Navigable waters: legislative authority to obstruct.....	II	54
New York Special Franchise Tax Law: home rule provision	III	267, 287
New York ticket-scalping laws	I	554
Northern Securities' Decisions, see NORTHERN SECURITIES' DECISIONS.		
Nuisance: legislative power to legalize.....		
	I 199; II 158; III 347, 354; IV 76	
Ohio Anti-Trust Act.....	III	587
Our new peoples: citizens, subjects, nationals or aliens.....	III	13
Patents and copyrights.....	IV	370, 376
Peonage cases.....	IV	279, 438
Police power:		
acts of discretion.....	IV	511
delegation of legislative powers.....	II	337
deprivation of property.....	III	587
destruction of property unlawfully used.....	II 179; V 313,	323
eight hour law.....	IV 299; V 59,	613
fourteenth amendment.	III	280
game laws	I 548, 554; IV	375
game laws: landowner's right to take game.....	V 241,	245
health regulations.....	IV	299
hours of labor laws.....	V 462,	471
municipal license for bicycles.....	I	269
of States and federal property guarantees.....	IV	153
ordinances: duty to repair sidewalks.....	IV	599
patent rights.	II	49
practice of osteopathy.....	II 251,	257
prohibition of epileptics' marriage.....	V	613
regulation of employment agency fees.....	IV	599
regulation of trusts	II 168,	179
right to bear arms.....	III	120
right to contract: redemption of wages coupon.....	II	116
State licenses: grain elevators.. . .	I	405
State regulation of immigration	II	557
State taxation of interstate commerce: inspection fee... ..	V	546
trade licenses.....	V	323
unjust discrimination.....	V 60, 393,	397
use of National and State flag for advertising purposes.	IV	376
Power of the President to pardon contempts.....	III 45,	58
Recent acquisitions: constitutional questions.....	I	108
Regulation of osteopathy: fourteenth amendment.....	II 251,	257
Regulation of practice of medicine: Christian Science.....	V	613
Right of a landowner to take game.	V 241,	245
River boundaries between States: concurrent jurisdiction..	V 59,	470
Separation of powers:		
delegation of legislative power to commissioner.	I	337
delegation of legislative powers to courts.....	II	337

	VOL.	PAGE.
delegation of legislative power to President.....	I	33
judicial acts.....	III	280, 492
Ship Subsidies and Sugar Bounty Statutes : constitutionality.	II	525
Sovereignty under interstate compact.....	IV	129, 144
<i>Stare decisis</i>	IV	226, 511
State decisions in federal courts.....	I	131
State game laws : police power.....	I	548, 554
State interference with interstate commerce.....	IV	296, 299, 600
State regulation of long and short hauls	II	402, 416
State statutes : federal determination of constitutionality....	IV	509
Status of Porto Ricans.....	IV	290, 300
Suits between States :		
bonds assigned to State.....	IV	364, 375
interstate waters.....	II	283, 364
jurisdiction of United States Supreme Court.....	I	265
Taxation of corporate franchises.....	II	43, 56
Taxation of non-resident mortgages.....	I	320
Taxation of stock of non-residents.....	I	125, 126, 129
Taxation : public purpose.....	II	497
Territorial application of treaty as a judicial question.....	II	557
Trial by a <i>de facto</i> jury.....	V	466, 472
Trial by jury for petty offenses.....	V	48, 59
Unjust discrimination : statutory classification of employ- ees.....	V	60, 393, 397
Use of National or State flag for advertising purposes.....	IV	376
Vested rights :		
decisions of the courts.....	V	542
repeal of statute.....	I	554

CONTRACTS :

Acceptance of offer :		
by mail and telegraph.....	V	614
by telephone.....	IV	300
Accord and satisfaction.....	II	557
Account stated.....	I	405
Agreement as to jurisdiction.....	III	418
Agreement for reorganization of railroad : conversion.....	II	497
Agreement to arbitrate : ouster of jurisdiction.....	IV	600
Agreement to give satisfaction.....	V	56, 60
Agreement to secure private office : public policy.....	III	209
Anticipatory breach :		
adoption of renunciation	IV	64, 70
agreement to hold stock : damages.....	II	416
damages.....	III	356
installment contract.....	II	416
Assignability of obligation : inference of intention from cir- cumstances.....	IV	70
Assignment : effect of double assignment.....	V	60

	VOL.	PAGE
Attorney and client : unconscionable agreement.....	IV	137
Beneficiaries :		
contract for particular will.....	I	328
contract of city with water company.....	V	397
estoppel against re-insurer.....	IV	300
right to sue.....	I	406
Bond of indemnity.....	III	588
Bond of public office.....	III	354
Cancellation by court : revival of prior contract.....	III	418
Carriage by sea : exemption from negligence : Harter Act...	I	61
Carriers : limitation of liability by special contract.....	I	488
Carrier's ticket : printed stipulations : parol evidence.....	I	196
Charitable subscriptions : consideration : parol evidence. ...	I	489
Charter-party : construction.....	IV	69
Conditions : dependent promises.....	II	179
Conditions of limitation for suing on insurance contracts....	V	327
Conditions precedent : non-performance : defendant in de- fault.....	I	406
Conflict of laws.....	IV	374
Consideration :		
compromise of doubtful claim.....	IV	301
efforts to secure legislation.....	V	547
forbearance to press claims against estate.....	I	64
former consideration : <i>nudum pactum</i>	III	419
illegal agreement for separation.....	I	555
moral consideration.....	III	418
novation.....	II	180
partial payment in full satisfaction.....	IV	377
release of judgment.....	I	406
void in part.....	I	265
Construction contracts : time of performance.....	II	50
Convict's right to contract.....	V	468, 471
Damages, see DAMAGES.		
Deeds : delivery in escrow.....	V	163
Freedom of contract.....	IV	423
Future profits : damages.....	II	116
Guaranty : notice of acceptance.....	V	215
Illegal at place of performance : conflict of laws.....	II	558
Illegal business : collateral agreements.....	V	614
Illegality :		
as defense : stock speculating on margins.....	V	245
violation of ordinance.....	III	58
Imperfect identification of vendee, indorsee or consignee....	III	580
Impossibility of performance :		
as a defence.....	I	529
rights of parties.....	IV	376
Indefiniteness of price : nominal damages.....	I	129
Indemnification, agreement for : Statute of Frauds.....	II	104, 123

XXIII

	VOL.	PAGE
Indemnity, bond of.....	II	498
Infancy :		
misrepresentation as to age.....	I	407
sale of land: adverse possession.....	I	410
Injunction to restrain breach: unfair trade.....	V	401
Installments :		
failure to pay	II	417
liability of vendor after breach by vendee.....	I	317, 327
Insurance, see INSURANCE.		
<i>Inter absentes</i> : formation of contract.....	II	1
Labor: compelling employer to employ union labor	V	239, 245
Liability of third persons signing.....	IV	511
Liability to third persons for breach of contract.....	II	105, 125
Liquidated damages:		
amount agreed upon excessive.....	III	588
determined by intent of parties.....	IV	71
Maintenance and champerty.....	I 554; IV	298
Married woman's contract.....	I 266; IV	512
Mutual assent in contract.....	III	7F
Mutual benefit association :		
amendment of by-laws.....	IV	229
change of by-laws: insane members.....	II	417
resort to civil courts.....	V	547
unreasonable by-laws.....	IV	74
Non-performance: action of official without authority no excuse.....	V	243
Novation.....	II	180
Offeree's knowledge of offer: printed bill of lading	I	265
Parties joint and several: actions.....	V	245
Real estate: broker's contract to procure a purchaser.....	V	321
Receipt: <i>nudum pactum</i>	III	419
Reduction of insurance policy by insurer's by-laws....	III 423,	495
Releasing liability for torts: how construed.....	V	552
Rescission for misrepresentation of powers of foreign cor- poration.....	IV	376
Restraint of trade :		
consideration void in fact.....	I	321
limitations as to area.....	II 166,	180
patents and copyrights.....	IV 370,	377
Revocation of offer before completion of act.....	II	417
Sales, see SALES.		
Savings banks: payment to holder of deposit book.....	II	558
Statute of Frauds :		
involuntary separation of the contract.....	III	58
specific performance	I	60
sufficiency of memorandum.....	V	163
will as memorandum.....	III	355
Trustee's contract liability for funds.....	V	479

XXIV

	VOL.	PAGE
<i>Ultra vires</i> as a defense : estoppel	V	399
Uncertainty of subject matter.....	III	59
Unincorporated club : liability of member.....	III	407, 426
Usury :		
extension of mortgage debt.....	II	258
restraining collection of mortgage.....	II	256
Void : public policy :		
congressional investigations.....	III	281
fictitious suits.....	II	258
release of master's liability for negligence.....	II 343; V	327
securing nominations for political office.....	II	558
Warehouse receipt : acceptance of terms.....	III	281
COPYRIGHTS, see PATENTS AND COPYRIGHTS.		
CORPORATIONS :		
Agency : distinction between corporation and its members..	I	128
Agent's fraud :		
dealing with stock : liability of corporation.....	IV	368, 374
exemplary damages against corporation	IV	301
Amendment of by-laws : rights of members.....	II	258
Banks :		
liability of director to creditors	II	498
payment to holder of deposit book.....	II	558
powers of cashier.....	V	615
Beneficial associations : effect of change of by-laws on in-		
sane member.....	II	417
Building and loan : status of members.....	II	498
Calls for unpaid subscriptions : when liability accrues.....	II	418
"Carrying on business" within the State : franchise tax....	V	479
Charters :		
reservation of power to amend.....	I	60
reserved power of revocation includes power to amend..	I	59
reserved power of revocation : revocation for non-user		
distinguished.....	I	59
Citizenship :		
consolidation.....	III	208
<i>de facto</i> corporations....	V	61
effect of State statute on foreign corporations.....	II	499
foreign corporations.....	V	471
of corporation.....	I	124, 133
unincorporated association.....	V	246
Consolidation :		
citizenship.....	III	208
jurisdiction of federal courts	IV	63, 71
Contempt : injunction : labor unions.....	IV	227
Contract :		
not under seal : recovery.....	III	589
for office : public policy.....	III	209

Control :	
intercorporate within meaning of statute.....	III 203, 209
mutual : exchange of stock.....	III 275, 281
Corporate trusts.....	I 235
Corporations at home and abroad.....	II 351
Corporations of two States.....	IV 391
Creditor's remedy against stockholders.....	I 133
Creditors : rights against stockholders in insolvency.....	II 338
Directors :	
duty.....	III 120
duty to corporation : breach of trust.....	II 117
liability for libel after dissolution of corporation.....	I 542, 555
powers.....	V 324
right to resign : appointment of receiver.....	III 588
statutory liability not penal.....	I 266
Foreign corporations :	
action of director under New York Code.....	V 163
admission upon conditions ousting federal courts of jurisdiction.....	V 231, 244
right to plead Statute of Limitations.....	IV 231
right to sue conditioned on compliance with tax law....	IV 71
service of process on managing agent.....	IV 142
service on.....	III 124
suing in New York.....	II 266
Franchises : power to mortgage.....	II 418
Incorporation by reference.....	II 148
Insolvency : statutory preferences.....	III 120
Joint-stock associations : nature of shares.....	II 403, 421
Jurisdiction of federal courts :	
<i>de facto</i> corporation.....	V 61
foreign corporations.....	V 471
unincorporated association.....	V 246
Lease : rights of minority stockholder.....	V 324
Merger, see NORTHERN SECURITY DECISIONS.	
National banks :	
non-liability as partner : joint-stock company.....	IV 220, 228
powers : lease.....	IV 227
shareholder's liability : Statute of Limitations.....	II 418
National incorporation.....	V 415
Non-compliance with statutes : bar to contract action.....	II 185
Northern Securities cases.....	II 422;
	III 168, 221, 305, 404, 419, 493 ;
	IV 287, 315
Officers : personal liability.....	V 615
Preferential payments : current expense : creditors.....	
	III 111, 121 ; IV 140
<i>Quo warranto</i> : usurpation of corporate franchise.....	II 50
Relation of stockholders and creditors to directors : Statute of Limitations..	III 487, 493

	VOL.	PAGE
Religious societies: marketability of title.....	V	154, 164
Reorganization agreement: rights of bondholders.....	II	497
Right to enjoin injury to members.....	IV	59, 71
Scrip dividends: when payable.....	V	399
Steel corporation cases.....	III	470
Stock:		
attachment of foreign stock in hands of resident pledgee.....	I	128
dividends: rights of life tenant and remainderman under will.....	IV	130, 140
forged deed of transfer of shares.....	III	355
in trust: reservation of right to vote in <i>cestui</i>	I	60
issuance below par enjoined.....	I	402, 407
power to retire in favor of bonds: amendment of charter.....	III	59
transfer: liability to unregistered transferee.....	V	472
Stockholders:		
action by necessary allegations.....	V	398
liability of, in a <i>de facto</i> corporation <i>inter sese</i>	III	408, 419
liability: rights of creditors: insolvency.....	II	338
rights of minority to set aside a lease.....	V	324
statutory liability of, to creditors.....	V	606, 616
Street railways:		
highway easement.....	I	132
regulation of rates by municipal corporation.....	II	487, 497
Tax on gross earnings as an irrevocable contract.....	I	191, 196
Taxation:		
classification by location.....	II	257
foreign stock.....	II	424
of corporate franchise.....	II	43, 56
of non-resident stockholders.....	I	125, 126, 129
situs of stock.....	I	126, 129
telephone companies, see PUBLIC SERVICE COMPANIES.		
Torts: continuing liability of public servant leasing its franchise.....	IV	301
<i>Ultra vires</i> acts: liability of stockholders.....	V	235, 246
<i>Ultra vires</i> contracts: estoppel.....	V	399
<i>Ultra vires</i> loan: recovery of interest from time of de- mand.....	III	124
Voting trusts and pools illegal.....	I	56, 59
Voting trusts: rights of stockholders.....	III	482, 493
See also STATUTES.		

CRIMINAL LAW:

Accused as witness: waiver of privilege.....	III	493
Administration of criminal law in New York State.....	II	144
Admissions, see EVIDENCE.		
Army officers: jurisdiction of civil courts.....	III	281
Assault with intent to murder.....	IV	140

XXVII

	VOL.	PAGE
Attempt to bribe.....	IV	214, 228
Bail bond: liability for appearance on charge of different offense.....	V	329
Bribery of officer: illegal arrest.....	III	420
Champertry.....	IV	298
Commitment warrant: necessary allegations.....	II	338
Confessions, see EVIDENCE.		
Conspiracy: conviction after acquittal of joint defendant....	II	559
Construction of statutes changing punishment....	IV	593, 601
Contempt:		
appeals.....	V	54, 64
conspiracy to defeat injunction.....	II	117
corporate breach of injunction.....	IV	227
newspaper publication.....	II	246, 259
newspaper publication concerning terminated cause....	V	249
power of legislature to define.....	IV	63, 70
power of President to pardon.....	III	45, 58
proceedings by indictment: newspaper publication...	II	246, 259
purging by oath.....	III	348, 359
want of jurisdiction.....	I	555
Conviction after acquittal of joint defendant: conspiracy....	II	559
<i>Corpus delicti</i> : circumstantial evidence of.....	V	547
Defamation: history and theory of the law.....	III	546; IV 33
Defective indictment: aided by verdict.....	V	237, 249
Double jeopardy:		
discharge of jury.....	I	197
error in law.....	II	118
former conviction.....	III	120
higher offense.....	II	559
identity of fact.....	III	59
State law and city ordinance	II	117
Equity jurisdiction over criminal proceedings.....	II	550, 560
Extradition: fugitive from justice: review on <i>habeas corpus</i>	III	60, 282
Failure to furnish medical attendance to a minor: common law.....	III	574, 589; V 315, 325
False pretenses.....	II	259; III 204, 209
Forgery: New York Penal Code.....	V	325
Homicide:		
duty of soldier.....	IV	72
in self-defence.....	III	526
reduction of crime: provocation.....	I	555
Incomplete verdict.....	II	259
Indictment: estoppel of defendant to object.....	V	318, 325
Insanity as a defense: burden of proof....	IV	507, 512; V 61
Jury: race discrimination in selection.....	I	196; IV 225
Lotteries: what constitutes.....	V	399
Lynchers under federal cognizance.....	V	465, 470

XXVIII

	VOI.	PAGE
Murder: premeditation: abandonment of felonious design..	V	541, 548
New trial after verdict of acquittal.....	IV	590, 601
Peonage cases.....	IV	279, 438
Perjury: foreign law.....	III	209
Procedure: retrospective legislation.....	V	616
Public records: rogues' gallery: surrender of photographs..	IV	380
Rape: evidence of other offenses between the same parties..	V	326
Reasonable doubt: instructions.....	III	420
Recognizance: discharge: revocation: jurisdiction.....	V	325
Reform in criminal procedure.....	IV	356
Statutory crimes: jurisdiction over non-resident.....	V	472
Statutory offense: sale to comply with statute	V	247
Suicide as murder.....	III	379
Suspension of sentence: loss of jurisdiction.....	III	589
Trial by a <i>de facto</i> jury.....	V	466, 472
Trial by jury for petty offenses.....	V	48, 59
Unlawful assemblies.....	II	419

DAMAGES:

Action for deceit after rescission of contract of sale.....	III	425
Admiralty: contributory negligence.....	V	470
Anticipatory: breach of contract.....	II 416; III	356
Bailee for hire: action by: measure of recovery.....	II 49, 324,	336
Breach of contract to sell: resale.....	I	493
Breach of covenant of seisin: mitigation.....	IV 57, 73	
Compensatory damages against carrier: injury to feelings..	IV	516
Contract for future profits.....	II	116
Contract for service: wrongful discharge: burden of proof..	II	499
Delay in carriage by sea.....	III 198,	210
Drainage of oil lands: measure of damages.....	I	410
Eminent domain: measure of damages.....	IV	70
Exemplary damages:		
fraud of agent.....	IV	301
master's liability.....	IV	74
unauthorized surgical operation.....	V 464,	479
False imprisonment followed by illegal acts of officers...	V 316,	330
Highway easements: interference: personal nature of remedy	V	619
Infringement of trade-mark: measure of damages.....	V 238,	251
Lessee's right to recover for nuisance.....	II 547,	564
Limitation of liability by carrier.....	V	323
Liquidated damages:		
determined by interest of parties.....	IV	71
interest doubled on default of note	I	195
use of word "penalty".....	V	398
Master and servant: injury to servant: measure of damages.	I	413
Minimizing damages: wrongful discharge of servant.....	II	499
Nominal: indefiniteness of contract.....	I	129

XXIX

	VOL.	PAGE
Penal statutes : treble damages for cutting timber.....	I	561
Prospective : medical expenses.....	II	186
Prospective : permanent nuisance.....	IV	605
<i>Quantum meruit</i> : services : parol contracts as evidence of value.....	V	477
Recovery for mental suffering.....	I 327, 404, 483,	489
Remittitur on appeal : personal injury.....	V	166
Resale on refusal to complete purchase.....	I	493
Stock : sale : measure of damages.....	IV	441
Trespass to highway easement.....	I	492
Trespass to real property : cutting trees : measure of damages.....	I	135
Trespass to real property : mining coal : measure of damages.....	I	63

DOMESTIC RELATIONS :

Agency of wife to contract for necessities.....	I 268 ; III	589
Alienation of husband's affections.....	III	210
Alienation of wife's affections : parents.....	I	130
Alimony :		
foreign judgment.....	I	197
vested right in decree.....	III	356
Annulment of marriage : dower rights.....	V	400
Conflict of laws : validity of marriage.....	I	197
Divorce :		
annulment of, for fraud.....	I	267
condonation : revival.....	I	490
conflict of laws : constructive service of process.....	I 396,	407
cross-petition by non-resident.....	V	61
curtesy.....	II	180
effect of foreign decree.....	I 485,	490
effect of interlocutory decree.....	V	400
wife as creditor before judgment.....	II	259
Dower :		
equitable conversion.....	III	590
fraudulent sale.....	III	420
Duty to furnish medical attendance to minor.....		
	III 574, 589 ; V 315,	325
Estate by entirety : mortgage.....	I	200
Foreign divorce :		
estoppel.....	III	356
jurisdiction.....	III	356
Guardians : liability of estate of infant for attorney's fees....	V	62
Husband and wife :		
agreement for separation.....	I	555
contract for necessities.....	I	268
presumption of trust.....	I	556
tenancy by the entirety in personal property.....	I	490

XXX

	VOL.	PAGE
Husband as wife's agent.....	II	260
Infant's contract : misrepresentation as to age.....	I	407
Infants : election under statute.....	V	62
Infant's warranty : breach not a bar.....	II	261
Injury to minor employed without parents' consent.....	III	210
Marriage and divorce laws : proposed reforms.....	IV	243
Marriage of epileptics prohibited : police power.....	V	613
Marriage settlement : public policy.....	IV	377
Married women :		
contracts of.....	IV	512
joint notes of.....	I	266
promissory note : conflict of laws.....	I	558
second marriage before final decree of divorce.....	V	400
wife as surety for husband : negotiable instruments..	II	253, 257
wife's services and earnings : modern statutes.....	I	321

EMINENT DOMAIN:

Condemnation effecting revocation of devise.....	I	202
Conflicting rights of railroad and telegraph companies.....	V	405
Interest acquired : presumption of easement.....	IV	512
Measure of damages.....	IV	70
Public use.....	III 282 ; IV 183, 139; V 162	
Removal of causes to federal court.....	V	389, 397
Restrictive covenant : adjoining owner's property right...	II	333, 337
Right to enter pending proceedings.....	II	337
Taking of property :		
highway easements.....	III	347, 354
injury to business.....	III	112, 121
Territorial limitations : interstate watercourses.....	II	47, 55

EQUITY:

Accounting against an agent : illegal business.....	V	472
Assignments : priority ; purchase for value.....	II	164, 181
Assignments of chose in action : priorities.....	III	581, 590
Bills of peace :		
bondholder's action to establish validity.....	II	181
multiplicity of suits : nuisance.....	I	491
Cloud on title.....	III 357 ; V	609, 616
Compulsory registration of electors.....	III	491
Concurrent jurisdiction : complicated accounts.....	I	321
Corporations :		
labor union : injunction contempt.....	IV	227
right to enjoin injury to members.....	IV	59, 71
Criminal proceedings : jurisdiction to restrain....	II	550, 560 ; IV 72
Decadence of equity.....	V	20
Equitable conversion :		
burden of loss.....	I	1
vendor a trustee of insurance money for vendee.....	I	311, 323

	VOL.	PAGE
Equitable-easements	III	63
Estoppel by silence : counterclaim	V	473
Federal Courts' jurisdiction to set aside will by force of State statute.....	III	47, 60
Good will : right to telephone number.....	III	210
Inadequacy of legal remedy : injunction of federal courts...	IV	228
Infringement of copyright : use of prior works.....	III	497
Injunction :		
breach of contract : unfair trade	V	401
conspiracy to defeat : contempt	II	117
controversies between States : jurisdiction of U. S. Supreme Court.	I	265
corporation issuing stock below par.....	I	402, 407
determination of title.....	II	51
interference with business : right to strike.....	II	552, 560
invasion of public office.....	IV	438
persuasion of non-strikers.....	V	548
public convenience a ground for denial.....	III,	413, 421
purpresture.....	I	408
ticket brokers.....	IV	434, 438
Interference with business : right of labor union to injunction	IV	59, 77
Interference with business relations : injunction.....	III	426
Interference with receiver : inducing servants to leave re- ceiver.....	IV	378
Jurisdiction over public officers.....	II	118
Laches :		
injunction : interstate stream.	II	419
right of injunction.....	II	559
Libel : restraining publication by injunction... I 198 ; II 175, 181, 500		
Mistake of fact : release of claim for tort.....	II	260
Mistake of fact insufficient to set aside sale.....	II	118
Mistake of law : relief by injunction.....	II	420
Partial assignments : priority as affected by notice.....	IV	302
Partial assignment of a chose in action : intention of as- signor.....	III	581, 590
Partnership : rights of nominee under partnership agree- ment.....	III	108, 123
Patent rights : conditions as to resale of patented articles...	V	62
Preferred debts in railway foreclosures.....	III	111, 121
Property rights in exchange quotations.....	II	549, 560
Reconveyance of property conveyed to defraud creditors...	V	473
Relief against judgment at law : parol agreement.....	II	420
Restraining proceedings brought in another State.....	III	350, 357
Restrictive covenant :		
change in neighborhood.....	IV	305
interpretation of "tenement house".....	V	406
waiver by acquiescence.....	IV	73
Right of privacy.....	I	491 ; II 437, 486, 500

	VOL.	PAGE
Sale of personality: insolvency.....	I	267
Specific performance :		
building contract.....	III	121
contract of husband and wife.....	III	357
contract partly executed.....	IV	61, 73
contract to convey stock.....	V	617
contract to devise : predecease of devisee.....	III	594
equitable conversion : burden of loss.....	I	1
injunctions <i>pendente lite</i>	II	338
mutuality.....	III	1
negative covenant.....	III 282 ; V	153, 164
implied	II	162, 181
oral contract relating to land.....	IV	294, 302
part performance under contract to make will.....	I	328
real estate : adequate remedy at law.....	V	473
Statute of Frauds.....	I	60
Taxation : assessment not in accordance with statute : in-		
junction.....	III	64
Trade-marks and names, see TRADE-MARKS AND NAMES.		
Trespass :		
injunction : local nature of remedy.....	II 51 ; V	164
injunction to restrain : quieting of title.....	IV	377
right to injunction.....	IV	72
under color of police duty injunction.....	V 401, 611,	616
Trusts, see TRUSTS.		
Unfair competition, see TRADE-MARKS AND NAMES.		

EVIDENCE :

Admissions :

against interest : agent's wrongful act.....	I	562
against interest : humane motive.....	III	60
by assignor of personal property.....	II	326
of an agent.....	III	494
of former occupant of land : adverse possession.....	II	561
statements at time of arrest.....	I	556
Alteration of written instrument : presumption.....	IV	601
Compulsory physical examination.....	V	539, 548
Confessions :		
burden of proof.....	V	165
coupled with exculpatory statements.....	IV	505, 513
inducements	II	182
secured by deceit of officers.....	IV	140
threat by officers.....	I	556
Coroner's verdict : admissibility in civil action.....	V	165
<i>Corpus delicti</i> : circumstantial evidence of.....	V	547

Criminal law :

defendant as witness: waiver of privilege.....	III	493
evidence of other crimes : admissibility.....	II 39, 52	
independent crime as evidence of intent.....	IV	141

XXXIII

	VOL.	PAGE
other offenses between same parties in rape.....	V	326
proof of good character.	IV	302
suicidal declarations in prosecutions for homicide....	V 157,	164
tracking defendant by bloodhounds.....	IV	229
Declarations of testatrix : lost or destroyed will.....	IV	444
Depositions :		
not to be taken to jury room.....	V	476
statutes : "opinions and conclusions".....	I	560
Entries in books made from memoranda.....	IV	378
Expert testimony.....	I 322; II	182
Handwriting :		
comparison of in New York.....	II 89,	52
expert testimony as to authorship.....	III 42,	61
Hearsay :		
dying declarations.....	II	339
pedigree.....	II 170,	182, 501
statements made by interpreter.....	V	474
Illegally obtained : search warrants	IV 60,	73
Impeachment : refreshing memory of witness.....	III	421
Incrimination of defendant: malicious prosecution.....	II	339
Insurance policy: waiver and estoppel.....	IV	74
Legislature's power to make evidence conclusive.....	II 498,	497
New trials for erroneous rulings.....	III	433
Opinion evidence.....	I	180
Parol evidence :		
mitigation of damages for breach of covenant.....	IV 57,	73
negotiable paper :		
ambiguity on face of instrument.....	I	195
counterclaims.....	I	58
failure of consideration.....	I	320
showing conditional liability on promissory note....	III	61
varying or contradicting terms.....	I	404
waiver of condition by agent.....	II 243,	261
Parol evidence rule.....	IV	338
Prejudicial : reversible error.....	V	326
Presumption of death from absence.....	III	358
Privileged communication :		
admissions before special tribunal.....	V	247
attorney and client: criminal trial.....	II	52
confessions to a judge.....	III	494
effect of death of patient.....	V	64
New York Code	IV	438
Privilege of counsel.....	III	421
Privilege of witness : self-incrimination.....		
	III 421, 590; IV 60, 73, 513; V	63
Public records :		
board of health.....	III	283
parish register.....	II	501

Res gestæ :

declaration of intention.....	III	351, 358
declarations as evidence of fraud.....	II	182
discovery of stolen goods : contemporaneous statement of accused.....	I	322
exclamation of one assailed.....	II	183
spontaneous exclamation of bystander.....	V	617
statement of reasons for surrendering tenancy.....	I	198

Res ipsa loquitur :

elevator accident.....	I	398, 413
stepladder cases.....	II	125
Revenue stamp on documentary evidence : statutes.....	I	412
Testimony of arbitrators to impeach an award.....	III	358
Transactions with decedent.....	III	211
Violation of statute as affecting burden of evidence.....	IV	145
Wills : declaration of testatrix : lost or destroyed instru- ments.....	IV	444
Witnesses :		
attempted subornation.....	I	563
competency.....	IV	229
disqualifying interest : New York Code.....	V	327
husband and wife.....	IV	378
questions as to religious belief.....	IV	134, 141

EXECUTORS AND ADMINISTRATORS :

Administrator's bond : liability of surety.....	I	200
Administrator not bound by intestate's pledge.....	II	178
Executor's powers : profit from fiduciary relation.....	II	188
Joinder of executor in action against joint debtors.....	III	359
Replevin against executor.....	III	354
Sale by executor : <i>caveat emptor</i> not applicable.....	III	593

FIXTURES :

Change in character : civil law.....	V	405
Constructive annexation to the land.....	V	250
Factory machinery : rights of mortgagees.....	III	359
Intention of parties.....	II	407, 423
New lease.....	II	423
Rails of street railway.....	V	478
Rails on railroad's right of way.....	IV	514
Severance actual or constructive : changing to personalty....	I	492
Theatre fittings.....	II	121
Trade fixtures : as between tenant and mortgagee.....	I	63

HABEAS CORPUS :

Jurisdiction of courts over deserter from army.....	IV	601
Power of federal courts.....	IV	598

INSOLVENCY:**Fraudulent conveyances :**

debtor's purchase in name of third party.....	II	421
improvements on wife's land.....	III	283
Insolvency as grounds for specific performance: personalty..	I	267
Insolvent estates: set-off in administration.....	I	377

Judgment creditors :

loss of priority by failure to attach.....	I	324
right to insurance proceeds	I	134
right to prove as general creditor.....	IV	137

Partnership: special partner as a creditor..... II **247, 263****Preferences :**

current expenses.....	III 111, 121; IV	140
destroyed by fraud of mortgagee.....	II	119
innocent grantee under fraudulent conveyance	I	332
priority of mortgage creditor.....	II	119
under corporation's charter.....	III	120
Trust deed for benefit of creditors: irrevocability.....	V	170

See also **BANKRUPTCY.****INSURANCE :**

Accident policy: subrogation.....	III	422
Agency: estoppel.....	III	422
Alien enemy: seizure before beginning of war.....	III	121
Amount of loss: cost of rebuilding.....	II	421

Bankruptcy :

assignee's right to policy without a surrender value....	I	194
judgment creditor's right to insurance proceeds.....	I	134
payment of premiums as fraudulent transfers.....	I 190, 194	

Blanket and specific policies: prorating loss..... III **283, 495****Change of beneficiary :**

benefit assessment corporation.....	I	323
equities arising from payment of premiums.....	III	591

Conditions in policy :

as to time of suing	V	327
construction.....	III	61
defining the locus of the contract.....	I	61

Death of beneficiary and insured in same disaster: burden

of proof.....	III	122
---------------	-----	-----

Death of insured in violating the criminal law..... V **327****Estoppel against re-insurer.....** IV **300****Federal supervision of insurance** V **500****Foreign receiver's right to foreclose.....** I **58****Forfeiture :**

breach of alienation clause.....	I 313, 323	
construction of "unoccupied" clause: churches.....	I	199
felony.....	IV	513
waiver of breach of "occupancy" clause	I	408

XXXVI

	VOL.	PAGE
Indemnity policy : construction of	II	261
Insurable interest :		
divorce.	IV	513
rights of innocent grantee against creditors	II	501
Insurance contracts not interstate commerce	I	61
Insurance risk, Expert opinion as to	II	67
Insurer subrogated to rights of vendor : equitable conversion.....	I	311, 323
Interpretation of statute exempting from execution insurance proceeds.....	I	323
Legal execution of insured.....	III	284
Limiting liability for agent's act.....	II	334, 339
Marine :		
constructive total loss	III	284
examination subsequent to loss.....	I	130
Mutual benefit association :		
amendment of by-laws	IV	229
unreasonable by-laws	IV	74
Option to rebuild in fire policy.....	II	261
Proof of loss : mailing.....	I	408
Reduction of policy by insurer : remedy of insured.....	III	423, 495
Suicide : beneficiary's right	III	591
" Term " insurance as applied to first year of life policy... I	259, 268	
Voluntary exposure to unnecessary danger	V	474
Waiver and estoppel.....	IV	74
Waiver of condition in policy by agent.....		
	I	262, 268 ; II 243, 261 ; V 402
Waiver of defense by insurer.....	IV	230
Warranty :		
location of chattels.....	II	108, 119
made by infant : breach no defense.....	II	261
of ownership : assignment of equity of redemption.....	II	120
INTERNATIONAL LAW :		
Exemption of private property at sea from capture.....	V	487
Extradition :		
offense prior to annexation proclamation.....	III	122
warrant of arrest.....	IV	217, 230, 602
Franchises affected by change of sovereignty	III	241
International law in legal education	IV	409
Jurisdiction over torts committed on foreign vessels	III	490
Legal nature of international law	V	124
Obligations of conqueror.....	V	617
Public debts and treaties : effect of war upon.....	I	209
Sources of international law.....	II	511
Treaty : foreign intestate : consular administration	II	501
INTERSTATE COMMERCE :		
Anti-trust act : territorial extent of restriction.....	II	504

XXXVII

	VOL.	PAGE
Concurrent power of the States to regulate	V	298
Exclusive power of Congress to regulate	IV	490
Federal regulation : decisions of Chief Justice Marshall	V	77
Insurance contracts not interstate commerce	I	61
Lottery tickets.....	III	410, 417
<i>Mandamus</i> under Interstate Commerce Act : scope of writ..	V	248
Municipal license tax :		
test of reasonableness.....	IV	871, 375
traveling salesman.....	I	131
Northern Securities Decision, see NORTHERN SECURITIES DECISIONS.		
Original package rule.....	I	192, 196; V 397
Regulation by Congress of sales within a state : Sherman Act.....	V	388, 397
State game laws : police power	I	548, 554
State interference by taxation.....	IV	296, 299, 600; V 546
State interference with interstate telegraph companies.....	V	405
State regulation of long and short haul.....	II	402, 416
Wilson Act, Interpretation of the.....	II	116

LABOR UNIONS :

Contracts compelling employer to employ union labor....	V	289, 245
Injunction : contempt.....	II	117; IV 227
Interference with business :		
boycott.....	II	87, 57
justification... ..	IV	145
right to injunction.....	III	426
Interference with employers : injunction.....	IV	59, 71
Interference with employment of others.....	I	128
Interference with pickets : right to injunction.....	IV	59, 77
Liability for suit in registered name.....	I	546, 560
Motive as affecting liability in trade and labor cases.....	V	107
Rights of strikers : persuasion of non-strikers.....	V	548
Right to do business: right to strike.....	II	552, 560
Right to strike or threaten to strike.....	II	400, 424

LANDLORD AND TENANT :

Abandonment by lessee : lessor's reletting of part of premises	I	559
Constructive eviction.....	V	548
Covenant for quiet enjoyment.....	V	329
Covenant to keep in repair : construction.....	V	248
Covenant to repair : liability to third party.....	III	284
Fixtures, see FIXTURES.		
Implied covenant for quiet enjoyment.....	III	43, 61, 425
Landlord's liability for tenant's nuisance.....	II	503
Lessee's right to damages for nuisance... ..	II	547, 564
Lessor's liability for lessee's trespass.....	I	63
Sub-lessee holding over.....	I	411

XXXVIII

	VOL.	PAGE
Subletting : occupation by servant.....	II	266
Tenant claiming under tax deed : ejectment.	I	201

LIBEL :

Defamation : history and theory of the law.....	III 546; IV 33
Excess of privilege and implied malice.....	V 610, 618
Form of complaint under New York Code.....	IV 303
Power of equity to restrain.....	I 198; II 175, 181, 500
Privilege : newspapers.....	II 57
Privileged communications : judicial proceedings.....	III 423
Special damage : when necessary.....	IV 145
Survival of action after dissolution of corporation.	I 542, 555
Transmission of defamatory telegram.....	I 131

MANDAMUS :

Compelling court to commit for civil contempt.....	IV 75
Compelling tax collection.....	II 256
Governor of state liable.....	II 496
Individual's right to sue on behalf of the public.....	IV 379
Interstate Commerce Act : scope of writ of <i>mandamus</i> under the statute.....	V 248
Judicial act not reviewable....	V 160
Statutory obligation : remedy against railroad	II 55
See also ADMINISTRATIVE LAW.	

MASTER AND SERVANT:

Assumption of risk :

by convict.....	V 402
continuing after notice	I 494; II 187
contributory negligence.....	IV 306
implied contract.....	IV 306; V 158, 165
knowledge of defect.....	I 132
master's duty to instruct.	I 61
non-compliance with statute.....	V 402
Control by master as test of existence of relation.	I 199
Course of employment : time of inception.....	V 548
Discharge of employee : justification.....	IV 382
Disobedience of orders : proximate cause	II 343
Fellow servants :	
injury to employee.....	III 211
injury while off duty.....	III 49, 62; V 403
recovery for gross negligence	I 130
test of fellow service.....	IV 306
vice principal.....	I 413; II 57
Joint defendant : removal of cause : citizenship.....	I 267
Liability as joint tort feasons : exemplary damages.....	IV 74
Master's duty to instruct : assumption of risk	I 61
Master's liability for negligence of servant.....	II 57
Master's liability to surgeon for care of employee.....	I 122, 128

Master's non-assignable duties :	
safe instrumentalities	IV 146 ; V 474
safe place to work	I 494 ; II 125 ; IV 602
Measure of damages for injury to servant	I 413
Negligence : violation of statute as evidence..	III 344, 361 ; IV 145
Release of liability for negligence : void as against public policy.....	II 343 ; V 327
Servant under control of third person.....	III 496
Wrongful discharge : minimizing damages : burden of proof.	II 499

MECHANIC'S LIEN, see STATUTES.

MINES AND MINING:

Co-tenants :	
following veins.....	II 341
purchase of claim adverse to common property.....	II 341
Discovery of gold on public domain	V 550
Natural gas : waste.....	IV 232
Oil lands : drainage : damages.....	I 410

MORTGAGES:

Adverse possession against mortgagee : payment of interest by mortgagor.....	I 270
After acquired property : future increase.....	II 183
Change in character of the property.....	V 405
Chattel mortgages : avoidance under statute: assignees of mortgagor.....	I 269
Chattel mortgage : potential existence.....	I 196
Collateral advantages : limitations upon mortgagee.....	II 331, 339
Equity of redemption : collateral agreement as clog.....	II 331, 339 ; III 591
Estate by entirety ..	I 200
Extension of debt : usury.....	II 258
Extension of redemption term : Statute of Frauds.....	II 262
Extension of term : reduction of interest : assignee's rights...	V 475
Fixtures.....	III 359
Foreign receiver's right to foreclose : comity.....	I 58
Foreclosure : equitable charge.....	I 557
Future advances : priority of lien.....	I 62
Intervening mortgagee's priority over non-attaching judg- ment creditor	I 324
Mortgagee of ship : right to freight money.....	III 591
Mortgagee's fraud : loss of preference....	II 119
Mortgagor's absence : no suspension of statute.....	II 262
Mortgagor's right as surety : notice to creditor.....	III 199, 214
Partial Assignment of Mortgage debt : priorities.....	III 411, 423
Purchase money mortgage : dower.....	II 503
Second mortgagee : notice : burden of proof.....	I 62
Second mortgagee of chattels : right to maintain conversion.	III 578, 592
Statute of Limitations : waiver by grantee of premises....	IV 222, 230

XL

	VOL.	PAGE
Taxation : non-resident mortgagees.....	I	320
Trade Fixtures : as between tenant and mortgagee.....	I	63
Unrecorded partial release : rights of assignee.....	V	475

MUNICIPAL CORPORATIONS :

Awarding contracts : a ministerial act by city council.....	III	122
Awarding contract for improvements : patented materials. . .		
	IV 141 ; V	549
Bonds illegally issued : liability in federal court.....	I	131
<i>Certiorari :</i>		
city council's proceedings.....	V	476
for wrongful assessments in New York.....	I	419
Defective incorporation : estoppel to bring <i>quo warranto</i>	II	263
Dissolution of municipal corporation : impairment of contract.....	IV	596, 598
Home rule provision : New York Special Franchise Tax Law	III	267, 287
Implied contracts : non-liability.....	III	496
Legislative control :		
over licenses.....	IV	226
over right to contract.....		
	I 315, 405, 407 ; IV 127, 139, 289, 299 ; V	162
Liability for negligence of fire department employee....	V	248
Liability in admiralty for negligence of fire-tugs.....	I	187, 194
Liability to employees for injuries resulting from negligence.....	II	411, 421
Liability for suspension of ordinance forbidding fireworks....	IV	302
License fee :		
as a tax.....	I	324
as State taxation.....	IV	226
on bicycles : not within police power.....	I	269
tax on interstate commerce : test of reasonableness... IV		371, 375
tax on travelling salesman.....	I	131
Limitation of actions against.....	V	165
Negligence : independent contractors.....	I	272
Power to regulate hours of employment.....	III	202, 211
Power to regulate street railway rates	II	487, 497
Private enterprise : Statute of Limitations.....	I	560
Quasi-contract :		
contract with member of council.....	IV	379
nonliability of municipality.....	III 496 ; IV	67, 75
Streets :		
control of gas pipes.....	IV	439
defective plan : liability	III	62
improvements : highway easement.....	V	250
railroad's right to use.....	IV	428, 539
Tax Records not a basis for estoppel against municipality....	II	267

NEGOTIABLE INSTRUMENTS :

Banking :

certificates of deposits : gifts without delivery..	I	488
check indorsed " for collection : " rights of owner.....	I	495
duty of depositor to verify account.....	II	490, 502
forged check : recovery of money paid by mistake.....		
	I	200, 409 ; III. 358
presentment of check through clearing house.....	III	123
revocation of check by death of drawer.....	II 171, 184 ; III	285
Bank's liability to maker of check for wrongful dishonor.....	II	193
Certainty of time of payment.....	I	258
Conditional liability : parol evidence.....	III	61
County warrants : when " issued ".....	IV	603
Discharge : mistaken surrender to indorsers.....	IV	379
Dishonor :		
checks : application of funds to depositor's debts.....	IV	602
imputed notice : same person secretary of two com- panies.....	III	62
notice to drawer : to assignee.....	III	285
Guaranty attached to note as affecting negotiability.....	I	264
Holder for value : collateral security for antecedent debt.....	III	423
Identification of indorsee.....	III	580
Identification of payee.....	IV	380
Interest doubled as liquidated damages.....	I	195
Interest : inability to make demand.....	I	264
Liability of one signing note as " trustee ".....	III	211
Married woman's joint note.....	I	266
Married woman's note : conflict of laws.....	I	558
Parol evidence :		
ambiguity on face of instrument.....	I	195
counter claim.....	I	58
failure of consideration.....	I	320
varying or contradicting the terms.....	I	404
Payee as holder in due course.....	III	424
Payment by joint-maker : Statute of Limitation.....	II	186
Surety's estate liable : action against principal barred.....	V	65
Usury : counterclaim ; recovery of penalty.....	I	268
Wife surety for husband : conflict of laws.....	II	253, 257

NORTHERN SECURITIES DECISIONS : II 422 ; III 168, 221, 305,
404, 419, 493 ; IV 287, 315

NUISANCE :

Abatement by health boards.....	II	203
Blasting : reasonable use of land .	IV	515
Contributory negligence as a bar to recovery.....	V	620
Interstate action : federal jurisdiction.....	I	265
Legislative power to legalize.....	I 199 ; II 158 ; III 347, 354 ; IV	76
Lessee's right to recover.....	II	547, 564

XLII

	VOL.	PAGE
Lessor's liability.....	I	201
Maintenance of explosives.	II	565
Permanent : right to prospective damages.....	IV	605
Private action to abate public nuisance.....	V	330

PARTNERSHIP :

Bankruptcy : preferences between firms and individual creditors	IV	595, 598
Dissolution : liability for tort.....	II	132
Entity theory in bankruptcy.....	I	123
Joint stock association : nature of shares.....	II	408, 421 ; III 123
National bank as partner : non-liability.....	IV	220, 228
Release of partner by judgment creditor.....	II	264
Rights of nominee under partnership agreement.....	III	108, 123
Sale of good will :		
rights of deceased partners' estate..	III	496
soliciting old customers.....	II	264
Special partner as creditor.....	II	247, 263
Unincorporated club : liability of member.....	III	407, 426

PATENTS AND COPYRIGHTS :

Agreement in restraint of trade	IV	370, 377
Conditions as to resale of patented articles.....	V	62
Infringement :		
musical composition.....	V	615
use of prior works.....	III	497
Regulation by States of sales of patents.....	II	49

PERSONAL PROPERTY :

<i>Bona vacantia</i>	III	56
Choses in action : gifts without delivery.....	I	488
Exchange quotations : property rights	II	549, 560
Executory devise : interest conveyed.....	V	552
Gift attempted without delivery : stock certificate.....	I	273
Gift <i>mortis causa</i> :		
delivery of a chose in action.....	III	125
delivery of a check.....	V	331
Gift of bank account to take effect <i>in futuro</i>	II	110, 119
Innkeeper's lien : guest holding another's property.....	V	549
Oyster beds : ownership.	V	328
Pledges : rights under conflicting laws.....	III	488, 491
"Possibility on a possibility" doctrine inapplicable.....	III	123
Replevin against executor.....	III	354
Seat in stock exchange :		
expulsion not a forfeiture of proceeds.....	II	184
not taxable as personal property.....	I	494
Shares in joint stock association : status.....	III	123
Tenancy by the entirety.....	I	490
Treasure trove.....	IV	293, 303 ; V 64

PLEADING AND PRACTICE:

Abuse of process : sufficiency of complaint.....	IV	77
Action for death by non-resident alien as next of kin.....	IV	144
Action <i>in rem</i> : counterclaim <i>in personam</i>	V	58
Action of deceit : allegation of actual value.....	V	618
Amount determining jurisdiction :		
counterclaim.....	IV	75, 603
interest on unliquidated damages.....	V	477
reduction upon demurrer.....	IV	216, 230
Amount in controversy : federal jurisdiction.....	III	212
Appealable interest.....	II	120
Appellate jurisdiction of U. S. Supreme Court.....	III	285
Attachment : foreign stock in hands of resident pledgee.....	I	128
Attorney's lien :		
enforcement by equitable action.....	III	424
enforcement of..	II	449
Causes of action : separate causes for same injury.....	II	340
<i>Certiorari</i> : city council's proceedings.....	V	476
Commitment warrant : necessary allegations.....	II	338
Compulsory physical examination.....	V	539, 548
Contempts :		
appeals.....	V	54, 64
civil : <i>mandamus</i> of inferior court	IV	75
corporate breach of injunction.....	IV	227
proceedings by indictment.....	II	246, 259
publication concerning terminated cause.....	V	249
purging by oath.....	III	348, 359
Costs : security.....	IV	440
Counterclaim : usury : recovery of penalty.....	I	268
Criminal law : new trial after verdict of acquittal.....	IV	590, 601
Defective indictment : aided by verdict	V	237, 249
Defenses arising after judgment..	IV	230
Directing a verdict : when proper.....	V	476
Dower : limitation of action under New York Code.....	IV	303
Examination before trial under New York Code....	II	502
Execution against the person	V	403
Federal practice :		
removal of causes.....	I	267
State procedure inapplicable.....	I	198
Foreign attachment as a defense to an action on contract....	III	417
Foreign corporations :		
action by director under New York Code.....	V	163
bringing suit in New York.....	II	266
General allegations : proof of specific disease.....	V	328
General issue : failure of consideration : evidence.....	I	320
Infant suing as poor person.....	IV	142
Instructions to jury : curing of error.....	V	618
Insurance : waiver of defense by insurer.	IV	230

XLIV

	VOL.	PAGE
Joinder of causes of action under statutes.....	III 212; V	618
Joint and several promisees.....	V	245
Joint debtors : joinder of executor.....	III	359
Judges :		
disqualification for interest.....	IV	439
disqualification : waiver.....	IV	603
Judgment :		
after death of a party: collateral attack.....	IV	513
against joint debtors : reversal.....	IV	141
Jurisdiction :		
of federal courts in bankruptcy.....	I 189, 194	
of the courts over special statutory tribunal.....	V 52, 58	
over non-residents in personal actions.....	V	436
Jury :		
equal protection of the law in selection.....	I	196
right to poll jury.....	IV	142
Libel : form of complaint under New York Code.....	IV	303
Limitations of actions against municipal corporations: time		
of accrual.....	V	165
Lunatic's right to sue by next friend before adjudication....	III	124
Mortgages: Statute of Limitations.....	IV 222, 230	
New trials: conclusiveness of successive verdicts.....	V	619
Order of arrest: granted on affidavit.....	IV	75
Original jurisdiction in U. S. Court : Northern Securities Co..	II	422
Plea in abatement.....	II	340
Powers of court to act upon its own motion.....	V 467, 477	
<i>Prima facie</i> case : legislative power to define.....	III	491
Probate practice: New York Code.....	II	122
<i>Quo warranto</i> against a corporation.....	II	50
Real party in interest under the codes.....	II 328, 340	
Remittitur on appeal : personal injury.....	V	166
Removal of cause :		
citizenship of corporation.....	I 124, 133	
prejudice.....	I 484, 492	
State as real party.....	II	120
to federal court: eminent domain.....	V 389, 397	
Replevin : when the action will lie.....	I	271
<i>Res judicata</i>	I	133
collateral attack on judgment.....	II	340
criminal and civil actions.....	IV	380
new evidence under statute.....	IV 218, 231	
testimony of trial judge incompetent.....	V	166
under New York Code.....	II	422
Review of judicial determination by <i>mandamus</i>	V	160
Right to sue <i>in forma pauperis</i>	III	285
Separate causes of action for same injury.....	II	340
Service :		
of process : non-residence.....	IV	303
on foreign corporation.	III	124

XLV

	VOL.	PAGE
on foreign corporation : managing agent.....	IV	142
Setting aside verdict : weight of evidence.....	II	502
Single cause of action.....	II	184
Statute of Frauds :		
defense under general denial.....	III	576, 592
manner of pleading.....	V	403
Statute of Limitations :		
concealed fraud.....	V	403
right of foreign corporations to plead.....	IV	231
substituted service of process in divorce cases.....	I	396, 407
Trial :		
absence of judge.....	V	476
taking depositions to the jury room.....	V	476
Variance.....	II	184
PROCEDURE, see PLEADING AND PRACTICE.		
PUBLIC SERVICE COMPANIES :		
<i>Mandamus</i> : petitioner a wrongdoer.....	V	64
Reasonable Regulation : telephones.	I	327
See also CARRIERS and CORPORATIONS.		
QUASI-CONTRACTS :		
Benefit : what constitutes.....	V	538, 549
Illegal insurance policy : recovery of premiums.....	III	592 ; IV 381
Impossibility of performance :		
restoration of benefits.....	IV	231
rights of parties.....	IV	376
Liability of estate of infant for attorney's fees.....	V	62
Mistake of fact :		
forged bill of lading.....	II	561
forged check.....	I	200 ; III 358
forged draft certified.....	I	409
Mistake of law :		
by agent : not binding on the government.....	I	62
recovery of money paid	V	366
Money had and received : fiduciary relationship.....	V	249
Mortgagee's rights under recorded chattel mortgage.....	IV	514
Municipal corporations : non-liability.....	III	496 ; IV 67, 75, 379
Negotiable instruments : effect of mistaken surrender to indorsers.....	IV	379
Plaintiff :		
in default under contract.....	I	324, 325
<i>in delicto</i> : conspiracy to defraud.....	IV	604
in wilful default under contract.....	I	493 ; III 592
Recovery :		
for services : parol contract as evidence of value.....	V	477
of deposits : marriage brokerage contract.....	V	550
of loan <i>ultra vires</i> : interest.....	III	124
of stamp tax voluntarily paid.....	IV	382

XLVI

	VOL.	PAGE
Statute of Frauds: defendant in default.....	V	550
Waiver of tort: deceit in inducing contract not rescinded....	III	592

QUO WARRANTO:

<i>De facto</i> municipal corporation: State estopped to bring writ.....	II	263
Information against corporation: an admission of incorporation.....	II	50
Removal:		
of health officer.....	IV	232
of judge.....	V	160
See also ADMINISTRATIVE LAW.		

REAL PROPERTY:

Abandonment by lessee: reletting of part of premises.....	I	559
Abutting owners: rights in shade trees in street.....	IV 305; V	551
Accretion: boundaries.....	II 422; V	478
Adverse possession:		
admissions of former occupant.....	II	561
against Indian title.....	V	65
claim of freehold necessary.....	V	605, 620
constructive: under color of title.....	IV	605
erroneous survey..	I 270; III	286
intention requisite.....	V	605, 620
interruption by submergence.....	II	562
statute runs against mortgagee.....	I	270
tacking.....	I	409
tenant's denial of landlord.....	II	52
under infant's executed contract.....	I	410
Boundaries: accretions.....	II 422; V	478
<i>Caveat emptor</i> : sale by executor.....	III	593
Cemetery lots: descent.....	IV	604
Condemnation: when deed necessary.....	III	497
Contingent and vested interests.....	II	53
Contingent limitations in wills: construction.....	V	167
Co-tenants: purchase by co-tenant of adverse title.....	II	341
Covenants:		
against incumbrances:		
of seisin: measure of damages for breach.....	IV	57, 73
remote grantee.....	I	410
reserved easements.....	II	562
restrictive:		
change in character of neighborhood.....	IV	305
interpretation of "tenement house".....	V	406
party-wall agreements.....	IV	441
reassignment.....	II	341, 423
rights of adjoining owners.....	II	333, 337
running with incorporeal rights.....	II	554, 562

XLVII

	VOL.	PAGE
running with land.....	III 62; V	404
to purchase lessee's improvements.....	II	121
waiver by acquiescence.....	IV	73
Dedication: right of municipality to use public square for public buildings..	IV	232
Deeds:		
avoidance by incompetent.....	IV	433, 440
condemnation proceedings: when deed necessary.....	III	497
delivery for grantee not <i>in esse</i>	III	276, 286
exceptions: construction.....	IV	304
ineffective: executed as implied trust.....	II	562
quitclaim: release of equitable easement.....	III	63
Discovery of gold on public domain.....	V	550
Disseisin requires claim of freehold.....	V	605, 620
Dower:		
possession by widow as trustee: Statute of Limitations.	IV	304
purchase-money mortgage.....	II	503
Drainage of oil lands: damages.....	I	410
Easements:		
acquisition: tenants of common landlord.....	IV	381
constructive notice of grant.....	IV	304
damage for trespass.....	I	492
elevation of surface tracks.....	I 325; II	158, 185
elevated railway cases.....	III 847, 354; IV	185, 143, 440
	V	542, 546
elevated railroad station: damages.....	IV	76
equitable: release: quit-claim deed.....	III	63
highways:		
additional burden:		
bicycle path.....	I	411
electric road.....	I 132; II	422
telephone trench.....	I	325
use of percolating waters for sprinkling streets.	IV	515
improvement of streets by municipality.....	V	250
interest acquired by railroads.....	IV	428, 439
interest of abutting owners.....	II	492, 502
interference: nature of remedy.....	V	619
lateral support:		
negligence in excavating: notice.....	III	274, 286
submerged land.....	I	558
termination of easement.....	III	213
when right of action for damages accrues.....	V	167
not forfeited by excessive user.....	V	404
of watering cattle.....	II	265
over railroad's right of way: prescription.....	IV	440
prescription: acquisition by public.....	V	608, 620
way of necessity.....	I	269
Eminent domain, see EMINENT DOMAIN.		
Equitable charge: satisfaction of mortgage debt.....	I	557

XLVIII

	VOL.	PAGE
Equitable easements : quit claim deeds	III	63
Equitable estate : rule in Shelley's Case	II	53
Equitable life tenancy with power of appointment.....	II	266
Estate by entirety : mortgage	I	200
Fixtures, see FIXTURES.		
Foreshore :		
excavations : injury to neighboring owner.....	III	212
use : public rights.....	III	213
Highways : prescription : acquisition by the public.....	V	608, 620
Indian titles by treaty : adverse possession.....	V	65
Indian titles : restriction on alienation.....	V	620
Landlord and tenant, see LANDLORD AND TENANT.		
Landowner's right to take game.....	V	241, 245
License :		
easement by prescription.....	IV	514
entry to cut growing trees : revocable.....	II	342
irrevocable after expenditures made.....	I 549, 559; IV	381
parol : revocation by lapse of reasonable time.....	IV	143
transfer of theatre tickets.....	II	503
Limitation after devise in fee.....	IV	78
Meteorites : ownership.....	V	551
Modern law of real property.....	I	165
Natural gas : waste.....	IV	232
Novel partition procedure	III	295
Nuisance, see NUISANCE.		
Party wall agreements : implied contract theory.....	I	257, 268
Party wall easements	II	54
Percolating waters, see WATERS AND WATERCOURSES.		
<i>Per my et per tout</i> , A perplexity.....	II	385
Powers : extinguishment	III	359
Purpresture : may be abated though not a nuisance	I	408
Re-entry : right on breach of condition	II	250, 265
Remainders :		
condition precedent to vesting of remainder.....	III	213
" survivorship ".....	I	559
vested and contingent.....	I	279
Reservations distinguished from exceptions.....	II	265
Riparian rights :		
alienation.....	IV	431, 441
alluvium	I	271
as property in New York	I	551, 559
compensation	II	265
conflict of private rights with public industry.....	I	64
interstate watercourse.....	II	47, 55
owner's right of access.....	I	121
user by railroad.....	V	65
Rule against perpetuities : New York statute.....	I	224
Shares in joint-stock company owning land.....	II	403, 421

XLIX

	VOL.	PAGE
Subjacent support : cause of action : when accruing.....	II	121
Surface waters, see WATERS AND WATERCOURSES.		
Tenancy by entirety as affected by legislation	I	55, 63
Title to land : examination of	I	471
Trespass :		
cutting trees : measure of damages.....	I	135
lessor liable in damages	I	63
Vendor's lien reserved in deed	V	478
Vested remainder : divesting clause in will	I	65
Waste : rights of life tenant.....	IV	515
Wharves : public right to construct on navigable waters	V	167

RECEIVERS:

Costs of receivership : power to adjudge against complainant. .	III	360
Liability for rent.	III	53, 63

SALES :

<i>Caveat emptor</i> : executor's sale of real estate.....	III	593
Conditional sale : fixtures : vendor's right in trover.....	V	478
Conditions and warranties in sale of goods.....	I	71
Direction to sell as constituting a present sale	IV	76
Executory contract : refusal by buyer to receive goods.....	V	168
Imperfect identification of vendee.....	III	580
Innocent sub-purchaser for value : estoppel.....	I	326
Installment contract : effect of vendee's failure to pay.....	I	317, 327
Intoxicating liquors : what constitutes sale of.....	III	495
Locus of sales C. O. D.	IV	541
Resale on refusal to complete purchase : damages	I	493
Rescission :		
by parol agreement.....	IV	455
codification.....	IV	264
for breach of warranty.. ..	IV	1, 195
for fraud	II	423; III 425
Specific performance on grounds of insolvency.....	I	267
Stock : measure of damages.. ..	IV	441
Vendor's rights against sub-vendee : notice : passing of title before payment.....	I	412
Warranty : option of exchange.....	II	342, 424

STATUTES :

Bankruptcy Act : exemptions of State law not affected....	I	399, 404
Charitable trusts in New York.....	I	400, 414
Corporations :		
directors' right to resign : appointment of receiver.....	III	588
foreign : non-compliance with statutes as a bar.....	II	185
statutory liability of directors not penal.....	I	266
Customs laws : forfeiture of smuggled goods : defrauded vendor's right to reclaim.....	III	360
Deliberate legislation.....	II	92

L

	VOL.	PAGE
Destruction of express trusts by merger.....	III	455
Eight hour law : police power.	V	613
English Trade Union Acts	I	546, 560
Evidence : comparison of handwriting in New York.....	II	39, 52
Fraudulent use of mails : power of Postmaster-General. ...	III	214
Game laws : police power.....	I	548, 554
Homesteads : exemptions from execution.....	II	122
Immigration Acts : final findings of fact by officers.....	V	537, 545
Inheritance tax : constitutionality.....	II	415
Insurance proceeds : exempting from execution.....	I	323
Intersecting railroads : right to unite.....	II	504
Judgment : creditor's bill : limitations upon.....	II	342
Letters : duty to forward misdelivered letters.....	I	495
Mechanic's lien : effect of forfeiture of contract to sell.....	I	199
Nebraska Anti-Trust Act.....	II	168, 179
New York Anti-Trust Act.....	I	553; IV 83
New York Code of Civil Procedure :		
attachment of foreign stock in hands of resident		
pledgee.....	I	128
attorney's lien : enforcement by equitable action.....	III	424
attorneys : purchase of claims.....	III	585
costs : security.....	IV	440
deposition : competency.....	I	560
dower : limitation of action.....	IV	303
examination before trial... ..	II	502
execution against the person.....	V	403
foreign corporation :		
action by director.....	V	163
as suitor.....	II	266
service upon.....	IV	142
infant suing as poor person : affidavits.....	IV	142
joinder of causes of action.....	V	618
jurisdiction of municipal court.....	V	477
libel : form of complaint.....	IV	303
mechanic's lien : limitations.	IV	143
probate practice.....	II	122
<i>res judicata</i>	II	422
right to intervene.....	I	493
Statute of Frauds : how pleaded.....	V	403
testator's creditor's rights against devisees.....	II	55
witnesses : disqualifying interest.....	V	327
wrongful death : non-resident alien as next of kin.....	IV	144
New York Code of Criminal Procedure : attorney's compen-		
sation : defending pauper.....	IV	139
New York General Banking Laws : usury : claim of penalty..	I	268
New York Mechanic's Lien Law, "consent" in the.....	III	79
New York Penal Code :		
commitment warrant : necessary allegations.....	II	338

LI

	VOL.	PAGE
forgery.....	V	325
misdemeanors.....	II	122
New York Revised Statutes :		
destructibility of trusts.....	V	891, 407
exemption of insurance proceeds.....	I	323
failure of testamentary witness to give address.....	II	55
law of trusts.....	V	380
limitation of action against municipal corporation.....	V	165
rule against perpetuities.....	I	224
New York Special Franchise Tax Law.....	III	267, 287, 426
Northern Securities Case, see NORTHERN SECURITIES CASE.		
Ohio Anti-Trust Act.....	III	587
Penal provisions: treble damages for cutting timber.....	I	561
Penalties: separate offences: <i>stare decisis</i>	II 115; V	156, 168
Property owner's consent for liquor license: sale of consent void.....	III	286
Public officers: expenses of defending suits for removal....	I	561
Removal of cause from State courts.....	I	484, 492
Retrospective: criminal procedure.....	V	616
Retrospective: remedies.....	I	133
Revenue stamps on documentary evidence.....	I	412
Sherman Anti-Trust Act :		
interstate commerce.....	II	504
recovery of damages.....	IV	442
restraint of trade.....	IV	233
Ship subsidies and sugar bounties.....	II	525
Statute of Frauds :		
part performance: wills.....	I	328
recovery in quasi contract.....	V	550
specific performance.....	I	327
Statute of Limitations :		
concealed fraud.....	V	403
joint maker of note.....	II	186
Vested right: repeal of statute.....	I	554
Workman's statutory wages: waiver.....	II	424
Wrongful death statutes :		
non-resident :		
alien as next of kin.....	III 497; IV	144
alien beneficiaries.....	V	620
proper party to sue.....	V	545
SURETYSHIP:		
Administrator's bond: burden of proof.....	I	200
Bail bond: liability for appearance on charge of different offense.....	V	329
Contract of indemnity: judgment.....	III	63
Discharge of surety: indulgence to principal.....	II	123

LII

	VOL.	PAGE
Estoppel of surety.....	IV	144
Fidelity bonds: construction: liability of surety.....	V	169
Mortgagor's rights as surety: notice to creditor.....	III	199, 214
Parol promise of indemnity: Statute of Frauds.....	II	104, 123
Release of surety by bank cashier.....	V	615
Subrogation of creditor to securities held by surety.....	I	271
Surety's estate liable: claim against principal barred by statute.....	V	65
Wife as surety for husband.....	II	253, 257

TAXATION :

Assessment of capital of non-resident partnership.....	III	593
Assessment not in accordance with statute: injunction.....	III	64
Bankrupt's estate: extent of liability.....	IV	436
<i>Certiorari</i> for wrongful assessment in New York....	I 419; II	56
Constitutional law: due process of law.....	IV	227
Corporate franchise tax:		
"carrying on business" within State.....	V	479
employment of capital within State.....	V	66
method of assessment.....	II	43, 56
New York Special Franchise Tax.....	III	267, 287, 426
non-taxable property included in assessment....	IV	76
on trust companies.....	IV	233
Corporations:		
classification by location.	II	257
foreign: taxation of stock.....	II	424
gross earnings tax an irrevocable contract.....	I	191, 196
Discrimination against non-resident stockholders.....	I	125, 126, 129
Double taxation by competing authorities.....	V	50, 66
Exemptions:		
by charter: interpretation.....	IV	292, 306
charitable and literary institutions.....	II	123
void: <i>mandamus</i>	IV	442
Inheritance tax: discrimination: fourteenth amendment....	II	415
<i>Mandamus</i> to compel collection.....	II	256
Mortgages: non-resident mortgagees.....	I	320
Municipalities not estopped from collecting tax: records....	II	267
Payment under unconstitutional law: interest.....	V	66
Public purpose.....	II	497
Recovery of tax voluntarily paid.....	IV	382
Rent tax: construction of covenant in lease.....	IV	233
Seat in stock exchange not taxable as personal property....	I	494
Special assessments: estimating benefits.....	II	241, 267
State taxation of bankrupt estate.....	III	208
Tax sale: lien for taxes paid.....	II	343
Transfer tax:		
bank deposits of a non-resident decedent.....	III	360
contingent interest.....	III	64

TORTS :

Abuse of process : sufficiency of complaint.....	IV	77
Action by bailee : measure of damages.....	II 49, 324,	336
Assault : consent.....	II	186
Assumption of risk, see MASTER AND SERVANT.		
Blasting in streets : liability of contractor : absence of negligence	V	251
Conspiracy :		
avowment of overt acts.....	V	233, 250
Tubwomen <i>v.</i> Brewers of London.....	III	447
Contributory negligence :		
child unattended on street.....	I	59
forgetfulness of danger.....	IV	605
of infant <i>non sui juris</i>	IV	382
Conversion : proper pleadings.....	II	115
Damages, see DAMAGES.		
Death of a minor : right of action... ..	I	413
Deceit : necessity of <i>scienter</i>	V	250
Defamation : history and theory of the law.....	III 546; IV	33
Discharge of servant : liability for causing by false statements.....	I	272
Drainage freezing on sidewalk : liability of owner.....	II	341
Duty to discover trespassing children.....	IV	443
Duty to forward misdelivered letters : telegrams.....	I	495
Duty to trespasser : voluntary risk.....	II	563
Exemplary damages :		
for fraud of agent.....	IV	301
for unauthorized surgical operation.....	V 464,	479
False imprisonment : measure of damages.....	V 316,	330
Felony : civil action : duty to prosecute.....	I	412
Independent contractor :		
liability for acts of.....	II 112,	124
liability of municipal corporation.....	I	272
Insanity and the law of negligence.....	V	278
Interference with business or employment :		
boycott.....	II 37,	57
conspiracy.....	II	124
justification.....	IV	145
labor unions.....	I 123; II 400,	424
right of labor union to injunction	IV 59,	77
right to injunction.....	III	426
right to strike.....	II 552,	560
Joint tortfeasors :		
contribution.....	V	406
release.....	II	565
satisfaction.....	III	214
test of joint liability.....	IV 367,	383
Letters : duty to forward misdelivered letters.....	I	495

Liability of a military governor..... V 394, 406
 Liability to third persons for breach of contract.....

II 105, 125, 268; IV 144; V 67

Libel, see LIBEL.

Malicious prosecution :

civil suits.....II 124; III 479, 498; IV 516

termination of former suit..... IV 443

Malpractice : Statute of Limitations..... III 287

Manufacturer's liability for defects in machinery..... II 58

Master and Servant, see MASTER AND SERVANT.

Mental disturbance and nervous shock: liability for..... V 179

Mental suffering :

telegrams : conflict of laws..... I 404

telegraph cases..... I 327, 483, 490; II 267

wilful wrongs..... I 483, 489

Motive as affecting liability: trade and labor cases..... V 107

Nature of right in dead bodies..... V 543, 552

Negligence :

allurement : care due to children..... II 564

care of premises : implied invitation..... II 564

death on the high seas : jurisdiction..... II 563

definition of gross negligence..... I 130

disclosure of telegraph calls..... III 426

electric companies : degree of care required..... V 169, 330

exemption : Harter Act..... I 61

injuries from fright..... I 134

liability of charity hospital..... I 485, 495

liability of operator of passenger elevator..... I 398, 413, 495

liability of postmaster..... V 545

res ipsa loquitur..... I 398, 413; II 125

violation of statute as evidence..... III 344, 361; IV 145

Negligence *per se* : horse left untied..... I 563

Non-feasance : liability of agent to third persons..... III 116, 125

Nuisance, see NUISANCE.

Obstruction of highways : negligence..... I 202

Obstruction of public streets : independent contractor..... II 112, 124

Proximate cause :

intervening negligence..... IV 443

suicide while insane..... III 594

Release of liability : general terms : how construed..... V 551

Replevin : when action will lie..... I 271

Slander : privileged communications..... IV 77

Surface water, see WATERS AND WATERCOURSES.

Telegrams : right of addressee to sue..... V 169

Trade marks and names, see TRADE-MARKS AND NAMES.

Trespass :

forcible entry of house by officer without warrant..... V 611, 616

under color of police duty V 401

	VOL.	PAGE
Trover : correlative duties.....	IV	606
Unauthorized operation by surgeon.....	V	395, 406
Unauthorized tort of seaman : ship's liability.....	V	545
Vendor's liability for wrongful act to third party.....	IV	144
Vicarious negligence :		
driver and passenger.....	II	187
parent and child.....	V	552
Wrongful death :		
non-resident alien as next of kin.	III 497 ; IV	144
non-resident alien beneficiaries.....	V	620

TRADE-MARKS AND NAMES:

Generic words as trade-marks.....	II	406, 420
Trade-Marks :		
infringement : measure of damages.....	V	238, 251
nature of the right	V	401
Trade Names :		
extension of rule protecting by injunction.....	II	245, 260
limitations on the right to protection.....	IV	365, 377
Unfair competition.....	III 494 ; V	63

TRUSTS :

Agency for purchase : relation of confidence	IV	383
Bankruptcy : trustee's right to surplus income of trust estate.	III	586
Banks :		
check endorsed "for collection" : bank as trustee.....	I	495
deposit : attempted gift to take effect <i>in futuro</i>	II	110, 119
deposit in trust : notice to <i>cestui</i>	IV	502, 516
deposit of trust funds : obligation of bank	IV	213, 234
deposit of trust funds : right to prove as "special cred- itor"	II	500
relation of manager of savings bank to depositors.....	III	499
<i>Cestui</i> :		
notice to, of creation of trust	IV	502, 516
preference over trustee's attaching creditors.....	III	498
right to accounting : <i>cestui</i> implicated in breach.....	II	560
right to follow trust funds.....	I 562 ; II	419
right to follow trust funds : laches.....	II	500
rights upon breach : election of remedies.....	I	328
Charitable uses :		
definiteness.....	I	64
designation of class.....	III	498
devise to unincorporated society	II	58
in New York.....	I 400, 414 ; II	10
Scottish Law.....	V	621
suspension of power of alienation.....	IV	234
what is a public charity....	III 269, 287	
Charity hospital : trust funds not liable for negligent acts..	I	485, 495
Constructive trust : fraud of donee	II	51

	VOL.	PAGE
Corporate trusts.....	I	235
Creditors' claims: defaulting trustee.....	II	344
Creditors of trustee: notice of trust: possession by <i>cestui's</i> tenant.....	I	326
Destructibility under N. Y. Rev. Statutes.....	V	391, 407
Destruction of express trusts by merger.....	III	155
Gifts attempted without delivery: stock certificate.....	I	273
Gifts <i>mortis causa</i> : delivery.....	III	125
delivery of a check.....	V	331
Implied trust from ineffective grant.....	II	562
Legacies charged on lands: Statute of Limitations.....	III	498
New York Anti-Trust Act	IV	83
New York Law of Trusts: an episode in the.....	V	380
New York Rule against Perpetuities ^o .	I 52, 64; IV	429, 444
Oral promise by heir to intestate.....	V	407
Powers: extinguishment of powers.....	III	359
Precatory trusts: construction of wills.....	I	328
Presumption of trust: husband's use of wife's marriage por- tion.....	I	556
<i>Res</i> determinable by trustee's discretion.....	IV	606
Resulting trusts under fraudulent conveyance.....	V	317, 331
Spendthrift's trusts: rights of creditors.....	I	414
Stockholding and voting trusts illegal.....	I	56, 59
Stock in trust: reservation of right to vote in <i>cestui</i>	I	60
Suspension of power of alienation: New York rule.....	I	52, 64
Trust deed for benefit of creditors: effect of.....	V	170
Trustee's duties: breach: sale by guardian to husband.....	II	49
investment outside of State.....	IV	444
prudent investment.....	III	594
to keep trust funds separate: interest.....	I	561
to preserve interest of remainderman: life tenant's rights.....	I	273
Trustee's liability in contract for conversion of funds.....	V	479
Trustee purchasing <i>res</i> : sale by court's order.....	I	562
Unincorporated club: liability of member.....	III	407, 426

WATERS AND WATERCOURSES:

Appropriation: title by prescription	IV	77
Drainage: swamp lands.....	I	560
Foreshore: excavations: injury to neighboring owner	III	212
use: public rights	III	213
Interference with navigation: legislative authority as a de- fence.....	II	54
Interstate stream: diversion: injunction lost by laches.....	II	419

LVII

	VOL. PAGE
diversion: riparian rights.....	II 47, 55, 419
suits between States.....	II 283, 364
Legislative grant of: rights in gross to non-riparian owner..	II 563
Percolating waters:	
correlative rights.....	III 429, 593 ; IV 143, 305
irrigation	IV 441
property rights in.....	I 505
reasonable use	IV 233
uses not connected with the land.....	I 120, 133 ; IV 305
Prescriptive right to take water.....	I 560
Purpresture on public waters.....	I 408
Riparian rights:	
access to waters	I 121
alienation.....	IV 431, 441
alluvium... ..	I 271
in New York.....	I 551, 559 ; II 265
undiminished flow.....	I 64
user by railroad	V 65
River boundaries between States: concurrent jurisdiction ..	V 59, 470
Surface water:	
artificial drains: adjacent lands	I 63
discharge upon highway.....	II 504
diversion: drainage freezing on street.....	II 341
repulsion and obstruction.....	IV 506, 515 ; V 551
what constitutes	V 329
Underground water: flowing in defined but unknown	
channels.....	III 109, 125
Wharfing out:	
irrevocable license	I 549, 559
on navigable waters: public rights.....	V 167

WILLS AND ADMINISTRATION:

Ademption: special powers.....	II 266
Attorney's lien on will.....	II 344
Beneficiary claiming adversely: election: estoppel.....	V 67
<i>Bona vacantia</i>	III 56
Charitable bequests, see under TRUSTS.	
Condemnation of estate: revoking devise.....	I 202
Construction: "survivor" as "other".....	II 187
Contingent limitations in wills: construction	V 167
Contract to devise: predecease of devisee	III 594
Contract to make a particular will: Statute of Frauds.....	I 328
Devise <i>in futuro</i> : vesting of legacies: afterborn children... ..	I 65
Devise to unincorporated society	II 58
Distribution of stock dividends.....	IV 180, 140
Divesting clause construed strictly: vested remainder.....	I 65
Equitable charge: satisfaction of mortgage debt	I 557
Execution: order of signing	II 188

LVIII

	VOL.	PAGE
Executory devise of personal property.....	V	552
Foreign intestate: consular administration under treaty.....	II	50
Heir's oral promise to intestate to hold in trust.....	V	407
Incorporation by reference: effect of codicil.....	III	125
Insolvent estates: set off in administration.....	I	377
Jarman's fifth rule.....	I	521
Legacies charged on land: Statute of Limitations.....	III	498
Legacy to discharge moral obligation: death of legatee.....	V	170
Limitations after devise in fee: construction.....	IV	78
Lost or destroyed instrument: declarations of testatrix.....	IV	444
Marshalling of assets: legatee's rights.....	III	361
Nuncupative will: military service.....	II	425
Precatory trusts: construction.....	I	328
Probate:		
correction of mistake.....	III	126
in solemn form: right after statutory period of appeal...	III	595
Release in fraud of creditors: right of personal representa-		
tive to impeach.....	V	251
Remainderman's right to unimpaired principal as against		
life tenant.....	I	273
Remainders: words of survivorship.....	I	559
Replevin against executor.....	III	354
Revival by codicil.....	II	425
Undue influence: confidential relations.....	II	268
Witnesses: presence of.....	I	414

BOOK REVIEWS.

	VOL.	PAGE
ABBOTT: A Brief for the Trial of Civil Issues before a Jury.		
Second Edition.	I	417
A Brief for the Trial of Criminal Causes. Second Edition..	III	598
Brief upon the Pleadings in Civil Actions, &c. Second Edition.....	V	175
Trial Brief: Modes of Proving Facts. Second Edition...	II	127
Trial Evidence. Second Edition, by J. C. Crawford.	I	68
ABBOTT, B. V. & A.: The Clerk's and Conveyancer's Assistant.		
Second Edition, by C. F. Birdseye.	I	416
ALDEN: A Handbook of the Code of Civil Procedure.....	II	63
ALDERSON: A Practical Treatise on the Law of Receivers, &c..	V	480
ALGER & SLATER: A Treatise on the New York Employers' Liability Act.....	IV	240
ANDREWS: American Law.	I	137
BALDWIN: American Railroad Law.	IV	518
BATES: A Treatise on the Procedure in Suits in Equity in the Circuit Court of the United States.....	II	62
BAYER: The Health Officers' Manual.	III	428
BEALE: A Selection of Cases on the Conflict of Laws.....	III	288
The Law of Foreign Corporations.....	V	255
BENJAMIN, R. M.: Principles of Sales. Second Edition.....	III	69
BIGELOW: The Law of Bills, Notes and Cheques. Second Edition.....	I	204
The Law of Torts. Seventh Edition.	I	275
BISHOP: Commentaries on the Law of Statutory Crimes. Third Edition, by M. C. Early.....	III	597
BLACK: A Treatise on the Law of Judgments. Second Edition.....	III	364
BOLEN: Plain Facts as to the Trusts and the Tariff.	III	68
BOONE: Law of Real Property. Second Edition.	I	569
BRANDENBURG: The Law of Bankruptcy. Third Edition	III	597
BRANNON: The Fourteenth Amendment.....	I	496
BREWSTER: The Conveyance of Estates in Fee by Deed.	V	258
BRICE: A Compilation of the Bar Examination Questions of the State of New York since 1896, &c.....	I	565
BRYCE: Studies in History and Jurisprudence.	II	348
BURDICK, F. M.: Selected Cases on the Law of Sales of Personal Property. Second Edition	I	564
The Law of Sales of Personal Property. Second Edition..	I	564
BURDICK, W. L.: The Elements of the Law of Sale of Personal Property.	III	66
CAMPBELL: Insurance and Crime.....	III	292
CHAPMAN: A Manual of Medical Jurisprudence, Insanity and Toxicology. Third Edition.	III	501
CIPPERLY: Labor Laws and Decisions of the State of New York.....	V	409

LX

	VOL.	PAGE
CLARK: A Treatise on Street Railway Accident Law. Second Edition.....	IV	517
CLEMENT: Fire Insurance. Vol. I.....	IV	147
CLEPHANE: The Organization and Management of Business Corporations.....	V	482
COLLIER: The Law and Practice in Bankruptcy. Fourth Edition, by W. H. Hotchkiss.....	III	430
Fifth Edition, by F. B. Gilbert.....	V	558
COOLEY: Constitutional Limitations. Seventh Edition, by V. H. Lane.....	IV	241
COXE: Manual of French Law and Commercial Information....	III	220
CRAWFORD: The Negotiable Instruments Law.....	II	273
CROTHERS: Morphinism and Narcomanias from Other Drugs..	III	128
DANIEL: A Treatise on the Law of Negotiable Instruments. Fifth Edition.	III	367
DANIEL & DOUGLASS: The Elements of the Law of Negotiable Instruments	III	363
DILLON: John Marshall: Constitutional Decisions.....	IV	312
John Marshall: Life, Character and Judicial Services...	III	500
DISBROW: A Digest of the New York Code of Civil Procedure..	I	566
DOS PASSOS: Commercial Trusts.....	II	271
DRESSER: The Employers' Liability Acts, &c.	III	65
DUMAS: Les Sanctions de l'Arbitrage International.....	V	554
Registering Title to Land.	I	337
DUNNING: A History of Political Theories.	II	431
DWYER: Cases on Private International Law.	I	342
EASTMAN: The Bankruptcy Law Annotated.....	III	501
EATON & GILBERT: A Treatise on Commercial Paper and the Negotiable Instruments Law.....	III	428
EDDY: The Law of Combinations.....	I	330
EDGINGTON: The Monroe Doctrine.	IV	609
EWART: An Exposition of the Principles of Estoppel by Misrepresentation.....	I	502
FALLOWS & JUDD: Collateral Inheritance and Transfer Tax Law of the State of New York.....	III	598
FARNHAM: Water and Water Rights.....	V	173
FIERO: The Law and Practice in Actions for Torts in the State of New York.....	IV	79
FLANDERS: An Exposition of the Constitution of the United States. Fifth Edition.....	V	256
The Life of John Marshall.....	IV	386
FOSTER: A Treatise on Federal Practice. Third Edition.....	II	128
FREEMAN: The Law of Void Judicial Sales. Fourth Edition...	II	568
FREUND: The Police Power, &c.....	IV	449
FROST: A Treatise on Guaranty Insurance.....	II	433
A Treatise on the Incorporation and Organization of Corporations.....	V	333
GARDNER: Handbook of the Law of Wills.....	IV	452

LXI

	VOL.	PAGE
GILBERT: Street Railway Reports. Vol. I.....	IV	451
GODDARD: Outlines of the Law of Bailments and Carriers.....	V	334
Selected Cases on the Law of Bailments and Carriers.....	V	334
GOLEBIEWSKI: Atlas and Epitome of Diseases Caused by Accidents. Edition and Translation, by P. Bailey.....	I	499
GOULD: The National Bank Act.....	V	335
GOULD & BLAKEMORE: The Bankruptcy Act of 1898, &c.....	IV	521
HALL: Crime and Social Progress.....	II	507
HAMILTON: Cyclopedia of Negligence Cases.....	IV	388
HAMLIN: Copyright Cases.....	IV	610
HARRIMAN: The Law of Contracts. Second Edition.....	II	59
HELLIWELL: A Treatise on Stock and Stockholders, &c.....	IV	387
HEPBURN: A Selection of Cases and Statutes on the Principles of Code Pleading.....	II	189
HOLLAND: The Elements of Jurisprudence. Ninth Edition....	I	205
HOLLS: The Peace Conference at The Hague.....	I	274
HORN: The Mirrour of Justices. English Edition, by W. C. Robinson. Translation, by W. Hughes.....	IV	309
HOWARD, B. E.: Das Amerikanische Bürgerrecht.....	IV	308
HOWARD, G. E.: A History of Matrimonial Institutions.....	IV	519
HOWARD, J. Q.: The Louisiana Purchase.....	III	67
HUFFCUT: The Law of Agency. Second Edition.....	I	566
HUFFCUT & WOODRUFF: American Cases on Contracts. Second Edition.....	III	129
HUGHES: Handbook of Admiralty Law.....	II	347
Handbook of Jurisdiction and Procedure in United States Courts.....	V	410
INGALLS: An Outline of Municipal Government in the City of New York.....	V	257
INGERSOLE: Handbook of the Law of Public Corporations....	V	172
JACOBS & APPLEBORNE: New York Bar Examination Questions and Answers.....	IV	81
JOYCE, J. A. & H. C.: A Treatise on Damages.....	IV	445
JUDSON: A Treatise on the Power of Taxation, &c.....	III	428
KELKE: An Epitome of Leading Cases in Equity Founded on White & Tudor's Selection.....	I	567
An Epitome of Personal Property Law.....	I	500
An Epitome of Roman Law.....	I	567
KERR: A Treatise on the Law of Fraud and Mistake. Third Edition, by S. E. Williams.....	II	566
KIRCHWEY: Readings in the Law of Real Property.....	I	67
KNOWLTON & DWYER: Cases on Criminal Law.....	III	430
LABATT: Commentaries on the Law of Master and Servant....	IV	238
LANGDELL: A Brief Survey of Equity Jurisdiction.	V	480
LEAVITT: A Code of Negligence.....	III	219
LEE: Historical Jurisprudence.....	I	344
LEWIS: Cases on Restraint of Infringement of Incorporeal Rights.....	V	336

LXII

	VOL.	PAGE
MARTIN: Mining Cases and Mining Statutes of British Columbia.....	IV	82
MASON: Highways, Containing the New York Highway Law. ..	III	66
MAY: Insurance. Fourth Edition, by J. M. Gould.....	I	276
MCCLAIN: Constitutional Law in the United States.....	V	625
MECHEM: Cases on the Law of Damages. Third Edition.....	II	271
MEILI: Das Internationale Civilprozessrecht auf Grund der Theorie, Gesetzgebung und Praxis.... .	IV	307
MIKELL: Cases on Criminal Law. Part I.....	III	362
Part II.....	IV	150
MILLER: Introduction to Practice.....	IV	239
MINOR: Conflict of Laws.....	I	340
MOREY: The Government of New York.....	III	68
MORSE: A Treatise on the Law of Banks and Banking. Fourth Edition, by F. Parsons.	III	290
NELLIS: Street Railroad Accident Law.	IV	517
NEWELL: Elements of the Law of Real Property, &c.....	III	217
NIBLACK: The Torrens System; Its Cost and Complexity.....	IV	151
NICHOLS: Britton: An English Translation and Notes. Introduction by S. E. Baldwin.....	II	345
NORTON: Handbook of the Law of Bills and Notes. Third Edition, by F. B. Tiffany.....	I	66
NOYES: A Treatise on the Law of Interporate Relations.....	III	215
OWEN: Questions and Answers on Twenty-five of the Most Important Legal Subjects. Second Edition.....	I	136
PAGE: A Concise Treatise on the Law of Wills.....	II	426
PAINE: Bailments.....	II	126
PARKER: Where and How? A Handbook of Incorporation... ..	IV	81
PARSONS: Contracts. Ninth Edition, by Messrs. Williston, Keller and Gould.....	V	71
PATTERSON: The United States and the States under the Constitution.....	V	75
PETERSON & HAINES: A Text Book of Legal Medicine and Toxicology. Vol. I.....	III	502
Vol. II.....	IV	389
PHELPS: Falstaff and Equity: An Interpretation.....	I	568
PINGREY: A Treatise on the Law of Suretyship and Guaranty... ..	I	334
POMEROY: Code Remedies. Fourth Edition, by T. A. Bogle... ..	IV	607
POWELL: Taxation of Corporations in New York, &c.....	V	624
RANCHHODDAS & KESHAVLAL: English and Indian Law of Torts. Second Edition.....	IV	446
RANDOLPH: Federal Power to Prohibit Transit between the States.....	V	408
The Law and Policy of Annexation.	I	335
REEVES: A Treatise on Special Subjects of the Law of Real Property. Vol. I.....	V	484
REINHARD: A Treatise on the Law of Agency.....	III	289
REMSSEN: Intestate Succession in the State of New York. Fourth Edition.....	IV	517

LXIII

	VOL.	PAGE
ROBBINS: A Treatise on American Advocacy.....	V	411
ROBINSON: Elements of American Jurisprudence.. . . .	I	342
ROOD: A Treatise on the Law of Attachments, Garnishments, Judgments and Executions.....	II	434
A Treatise on the Law of Wills.....	V	481
RUEMELIN: Politics and the Moral Law. Edition by F. W. Holls. Translation from the German, by R. Tombo, Jr..	I	415
RUMSEY: Practice. Second Edition, by W. Rumsey and J. S. Sheppard, Jr. Vol. I.....	III	133
Vol. II.....	IV	80
Vol. III	V	73
RUSSELL, A.: The Police Power of the State, &c.....	II	65
RUSSELL, I. F.: Outline Study of Law. Third Edition.....	I	66
SCHOULER: A Treatise on the Law of Wills. Third Edition...	I	203
SCOTT: Cases on International Law.....	III	429
SIBLEY: The Right to and the Cause for Action.....	II	506
SIMS: A Treatise on Covenants Which Run with the Land, Other than Covenants for Title.....	I	206
SMITH, C. M.: A Treatise on the Law of Master and Servant. Fifth Edition.....	II	505
SMITH, H. E.: Studies in Juridical Law.....	III	362
SNYDER, W. J.: Mines and Mining.....	IV	79
SNYDER, W. L.: The Interstate Commerce Act, &c.....	V	252
The Lien Law of the State of New York. Fourth Edition.....	IV	311
SPELLING: Injunctions and Other Extraordinary Remedies. Second Edition.....	II	189
STEARNS: The Law of Suretyship.....	III	291
STROUD: Judicial Dictionary. Second Edition.....	IV	384
TAYLOR, A. W.: The Law in its Relations to Physicians.....	I	136
TAYLOR, H.: A Treatise on International Public Law.....	II	191
Jurisdiction and Procedure of the Supreme Court of the United States...	V	623
TAYLOR, H. O.: A Treatise on the Law of Private Corporations. Fifth Edition.....	III	127
TAYLOR, J. A.: The American Law of Landlord and Tenant. Ninth Edition, by H. F. Buswell.....	IV	388
THOMPSON, B. M.: Cases on Equity Pleading and Practice....	III	431
THOMPSON, S. D.: Commentaries on the Law of Negligence. Vol. I.....	I	501
Vol. II.....	I	568
Vol. III.....	II	505
TIFFANY: Handbook of the Law of Principal and Agent.....	III	503
The Law of Real Property and Other Interests in Land.	IV.	235
TOMPKINS: Summary of the Law of Private Corporations.....	V	73
VANCE: Handbook of the Law of Insurance.....	IV	607
VAN DYNE: Citizenship of the United States.....	IV	147
VAN ZILE: Elements of the Law of Bailments and Carriers....	III	218

LXIV

	VOL.	PAGE
VEEDER: Legal Masterpieces.....	III	596
VOORHEES: A Treatise on the Law of the Measure of Damages for Personal Injuries.....	III	365
WAIT: The Law and Practice in Civil Actions, &c. Seventh Edition.....	II	569
WALKER: Patents. Fourth Edition.....	IV	447
WAMBAUGH: Littleton's Tenures: In English.....	III	599
WAPLES: A Handbook on Parliamentary Procedure. Second Edition.....	II	65
WASHBURN: A Treatise on the American Law of Real Prop- erty. Sixth Edition, by J. Wurts.....	II	567
WATSON: A Treatise on the Law of Damages for Personal In- juries.....	II	272
WELLMAN: The Art of Cross-Examination.....	IV	150
WHITE: A Treatise on Canadian Company Law.....	II	64
WHARTON: Conflict of Laws. Third Edition, by G. H. Parmele.	V	559
WHARTON & STILLE: Medical Jurisprudence. Fifth Edition...	V	622
WIGMORE: Evidence. Vol. I.....	V	68
Vol. II.....	V	176
Vol. III.....	V	252
Vol. IV.....	V	412
WILGUS: A Study of the U. S. Steel Corporation.....	II	269
WILLIAMS: The Liability of Municipal Corporations for Tort.	II	126
WILLOUGHBY: The American Constitutional System.....	V	332
WILSON & TUCKER: International Law.....	II	349
WOODBURN: The American Republic and its Government....	III	427
WOODRUFF: A Selection of Cases on the Law of Insurance....	II	432
YALE LAW FACULTY: Two Centuries' Growth of American Law.....	II	127

TABLE OF RECENT CASES IN VOL. V.

For cases treated in previous volumes, see separate index in each volume.

	PAGE		PAGE
Abeel <i>ads.</i> People	325	Bowker <i>ads.</i> Culliman.....	243
Ætna Life Ins. Co. <i>v.</i> Milward.	165	Bradley <i>ads.</i> Sup. Lodge K. P.	327
Akley <i>v.</i> Perrin.....	321	Brashear <i>v.</i> Rabenstein.....	550
Alabama, etc., R. Co. <i>v.</i>		Breen <i>v.</i> St. Louis Transit Co.	243
Roberts.....	166	Brilliant <i>ads.</i> House.....	473
Alfson <i>v.</i> Bush Company....	620	Broad Exchange Co. <i>ads.</i> Mc-	
American Bridge Co. <i>ads.</i>		Cullough.....	404
Vogel.....	475	Brooklyn Heights R. Co. <i>ads.</i>	
American Cereal Co. <i>ads.</i> In-		Viemeister.....	618
man Mfg. Co.....	56, 60	Brown <i>ads.</i> Kitching.....	406
American Linseed Co. <i>ads.</i> Ras-		Buck <i>v.</i> Beach.....	50, 66
cover	324	Bulley, The.....	545
American Trading Co. <i>ads.</i>		Burdett <i>v.</i> Commonwealth ...	249
Northern Pacific R. R. Co..	243	Burns <i>ads.</i> Hale.....	401
Anderson <i>ads.</i> New Omaha,		Burns <i>v.</i> Schoenfeld.....	550
etc., Electric Co.....	330	Bush Company <i>ads.</i> Alfson ...	620
Andrews <i>v.</i> Kingsbury....	153, 164	Butler <i>v.</i> Chicago.....	476
Anglo-American Co. <i>v.</i> Lom-		Butler <i>v.</i> Wright.....	617
bard.....	235, 247	Byrne <i>v.</i> Werner.....	250
Apollo Co. <i>ads.</i> White Music			
Pub. Co.....	615	Camden Interstate Ry. Co. <i>ads.</i>	
Applegate <i>v.</i> Franklin.....	329	Williams.....	545
Atchison, T. & S. F. Ry. Co. <i>v.</i>		Caplis <i>ads.</i> Kibler.....	614
Holloway	546	Carolina, etc., Telephone Co.	
Atlantic Coast Line R. Co. <i>ads.</i>		<i>ads.</i> Goodwin.....	64
Hilton Lumber Co.....	244	Cassels <i>v.</i> Finn.....	407
Aubrey, <i>In re.</i>	323	Cent. of Ga. Ry. Co., <i>ads.</i> Shef-	
		tall.....	610, 618
Bacon <i>ads.</i> Pennsylvania Casu-		Central R. R. Co. of N. J., <i>ads.</i>	
alty Co	402	Saleeby.....	244
Bank of Ravenswood <i>v.</i>		Charbouneau <i>v.</i> Bouvelt.....	66
Witzel.....	615	Charlesworthy, <i>ads.</i> Hermann.	550
Barentsen <i>ads.</i> Seamen.....	403	Chase <i>v.</i> Chase.....	161
Bateman <i>v.</i> Insurance Co....	474	Cheapside, The.....	58
Bates <i>ads.</i> Cole.....	249	Chicago & N. W. Ry. Co. <i>v.</i>	
Beach <i>ads.</i> Buck.....	50, 66	O'Brien.....	162
Beattie <i>v.</i> State.....	472	Chicago <i>ads.</i> Butler.....	476
Bessette <i>v.</i> Conkey Co	54, 64	Choisser <i>v.</i> York.....	55, 58
Billingham <i>v.</i> Gleason Mfg. Co.	399	Cincinnati, etc. Turnpike Co. <i>v.</i>	
Bingham <i>v.</i> Davidson.....	321	Cincinnati Trac. Co.....	164
Blades <i>v.</i> Dewey.....	169	City of Milwaukee, <i>ads.</i> Mauske	248
Blackheath, The.....	312, 321	City of New York, <i>ads.</i> Sauer..	250
Board <i>ads.</i> Watson.....	608, 620	City of Syracuse, <i>ads.</i> Crapo..	166
Board of Trustees of Ohio Uni-		City of Waterville, <i>ads.</i> Whit-	
versity <i>ads.</i> Thomas.....	246	comb.....	60
Bolte, <i>Matter of</i>	160	Clay <i>v.</i> Railway Co.....	551
Bosea <i>v.</i> Lent.....	163	Cleveland, etc. R. Co. <i>v.</i> Ohio.	60
Boston El. Ry. Co. <i>ads.</i> Duche-		Cline, <i>ads.</i> Walters.....	477
min	53, 59	Clydebank Co. <i>v.</i> Yzquierdo	
Bouvelt <i>ads.</i> Charbouneau....	66	y-Costaneda.....	398

	PAGE		PAGE
Cobb <i>v.</i> Glen Boom Lumber Co.....	476	Electric Co. <i>ads.</i> Hoboken Land & Improvement Co.....	169
Cohn, <i>ads.</i> Jacobs.....	239, 245	Erie R. Co. <i>ads.</i> Kane.....	398, 397
Cole <i>v.</i> Bates.....	249	Evan, Jones & Co. <i>ads.</i> Powell & Thomas.....	319, 322
Commonwealth, <i>ads.</i> Burdette.....	249	Evans & Blyth <i>ads.</i> Evans....	63
Conkey Co. <i>ads.</i> Bessette.....	54, 64	Evan <i>v.</i> Evans & Blyth.....	63
Convent of St. Rose, <i>ads.</i> U. S. Savings & Loan Co.....	399	<i>Ex parte</i> Kair.....	613
Cook <i>v.</i> County of Marshall..	397	<i>Ex parte</i> Riggins.....	465, 470
C. P. S. R. Co. <i>ads.</i> Kakeshy..	619		
Corcoran, <i>In re</i>	58	Fairchild <i>ads.</i> Knappenberger.	404
Countess of Buena Vista <i>v.</i> Maj.-Gen. Brooke ..	394, 406	Falk <i>v.</i> The Am. West Indies Trade Co.....	401
County of Marshall <i>ads.</i> Cook.	397	Fargo <i>ads.</i> Johnson.....	327
Crapo <i>v.</i> City of Syracuse....	166	Fayerweather <i>v.</i> Ritch.....	166
Crenshaw <i>ads.</i> Pabst Co.....	546	Feiner <i>v.</i> Reiss.....	154, 164
Croskey <i>ads.</i> Nulton.....	467, 477	Ferguson <i>v.</i> Ray.....	64
Crowley <i>ads.</i> Ossmann.....	403	Finn <i>ads.</i> Cassels.....	407
Court Elm City No. 1 F. O. A. <i>ads.</i> McGuinness	547	Fischer Textile Co. <i>v.</i> Perkins.	245
Cullinan <i>v.</i> Bowker.....	243	Flint Land Co. <i>v.</i> Fochtman	609, 616
Cusack <i>ads.</i> Knickerbocker Steamboat Co.....	316, 330	Folse <i>v.</i> Triche.....	405
		Fong Yim, <i>Matter of</i>	244
Dame <i>v.</i> Woods.....	538, 549	Ft. George Realty Co. <i>ads.</i> People.....	66
Dashiell <i>ads.</i> Texas & Pacific Ry. Co.....	552	Francis <i>v.</i> Francis.....	65
Davidson <i>ads.</i> Bingham.....	321	Franklin <i>ads.</i> Applegate	329
Davies <i>ads.</i> Green.....	233, 250	Francke <i>v.</i> Taussig Co.	619
Davis <i>ads.</i> Pratt.....	395, 406, 464, 479	Franks <i>ads.</i> Doyle.....	614
De Florrin <i>v.</i> State.....	400	Frauenhar <i>ads.</i> Russia Cement Co	63
Degnon McLean Contracting Co. <i>ads.</i> Turner.....	251	Frazier <i>v.</i> Western Union Tel. Co	170
Dehougne <i>v.</i> West. Union Tel. Co.....	476	French <i>ads.</i> State.....	313, 323
Dewey <i>ads.</i> Blades.....	169	Frey <i>ads.</i> Hayes.....	251
Dharma <i>ads.</i> Rex.....	616	Fries <i>ads.</i> Kendall.....	245
Dick <i>v.</i> Supreme Body of International Congress.....	247		
District Court <i>ads.</i> State..	318, 326	Gas Co. <i>ads.</i> Donahue.....	551
Doctor <i>v.</i> Harrington.....	471	Gastonia Cotton M. Co. <i>v.</i> Wells Co	61
Dominion Atl. Ry. Co. <i>ads.</i> McCarron.....	468, 471	Georgia S. & C. Co. <i>ads.</i> Simmonds.....	402
Donahue <i>v.</i> Gas Co.....	551	Gerard <i>ads.</i> Waters & Co....	549
Doyle <i>v.</i> Franks.....	614	Gibson <i>v.</i> Thomas.....	475
Dr. Miles Medical Co. <i>v.</i> Goldthwaite.....	401	Gill-Judge <i>ads.</i> Horton	160
Duchemin <i>v.</i> Boston El. Ry. Co.....	53, 59	Ginsburg <i>ads.</i> Kushes.....	250
		Gleason Mfg. Co. <i>ads.</i> Billingham.....	399
Dudbridge Iron Works Co. <i>ads.</i> Stephens.....	62	Glen Boom Lumber Co. <i>ads.</i> Cobb	476
		Golden <i>v.</i> Whiteside	460
Ebelt <i>ads.</i> People.....	466, 472	Goldthwaite <i>v.</i> Dr. Miles Med. Co.	401
Edwards <i>v.</i> Hood-Barrs.....	323	Goodwin <i>v.</i> Carolina, etc. Telephone Co.....	64
Edward's Breweries <i>v.</i> Lacs...	619	Gould <i>v.</i> Gould.....	613
Eisner <i>ads.</i> Saxlehner.	615	Gregg <i>v.</i> Metropolitan Trust Co	613

	PAGE		PAGE
Green <i>v.</i> Davies.....	233, 250	Interurban St. Ry. Co. <i>ads.</i>	
Griffin <i>v.</i> Interurban St. Ry. Co.	156, 168	Griffin	156, 168
Griffis <i>v.</i> Holbrook.....	620	Interurban St. Ry. Co. <i>ads.</i>	
Grimond (or Macintyre) <i>v.</i>		McLaughlin.....	403
Grimond.....	621	<i>In the Matter of Fong Yim...</i>	244
Griswold <i>ads.</i> U. S.....	545	Jacobs <i>v.</i> Cohen.....	239, 245
Grout <i>ads.</i> People <i>ex rel.</i>		Jackson <i>v.</i> Thompson.....	620
Cossey.....	162	Jadwin <i>ads.</i> State.....	478
Gunnison <i>ads.</i> Martin.....	479	Jailles <i>ads.</i> People.....	474
Haines <i>ads.</i> McCord.....	478	Johnson & Co. <i>ads.</i> Sharp. ...	548
Hale <i>v.</i> Burns.....	401	Johnson <i>v.</i> Fargo.....	327
Hamburger <i>v.</i> Hellman.....	477	Jones <i>ads.</i> Lehmaier.....	248
Harber <i>ads.</i> People.....	325	Joyce <i>ads.</i> U. S. Express Co....	323
Harrington <i>ads.</i> Doctor.....	471	Ju Toy <i>ads.</i> U. S.....	537, 545
Hayes <i>v.</i> Frey.....	251	Kahner <i>v.</i> Otis Elev. Co.....	67
Hazleton <i>v.</i> Miller.....	474	Kair, <i>ex parte</i>	613
Hellman <i>ads.</i> Hamburger.....	477	Kakeldy <i>v.</i> C. B. S. R. Co. ...	619
Hemstock <i>v.</i> Lackawanna I. &		Kane <i>v.</i> Erie R. Co.....	393, 397
S. Co.....	158, 165	Kansas City Northwestern R.	
Hermann <i>v.</i> Charlesworthy....	550	Co. <i>v.</i> Schwake.....	167
Highland Bay Gold Mining Co.		Keith <i>v.</i> Blackman Co. <i>ads.</i>	
<i>v.</i> Strickley.....	162	Rainford.....	472
Hill <i>ads.</i> National Cash Regis-		Kellogg <i>v.</i> Lowe.....	548
ter Co.....	168	Kellogg Switchboard Co. <i>ads.</i>	
Hill <i>ads.</i> Walker Ex'rs.....	552	O'Brian.....	548
Hilton Lumber Co. <i>v.</i> Atlan-		Kelly <i>ads.</i> State.....	157, 164
tic Coast Line R. Co.....	244	Kendall <i>v.</i> Fries.....	245
Hoboken Land & Improvement		Kibler <i>v.</i> Caplis.....	614
Co. <i>v.</i> Electric Co.....	169	Kingsburry <i>ads.</i> Andrews.....	153, 164
Holbrook <i>v.</i> Grippis.....	620	King <i>ads.</i> Stevens.....	170
Holloway <i>ads.</i> Atchison T. &		Kitching <i>v.</i> Brown.....	406
S. F. Ry. Co.....	546	Knappenberger <i>v.</i> Fairchild....	404
Holmes <i>ads.</i> Yesler Estate,		Knickerbocker Steamboat Co.	
	605, 620	<i>v.</i> Cusack.....	316, 330
Hood-Barrs <i>ads.</i> Edwards....	323	Kol. See <i>ads.</i> U. S.....	59
Hopkins <i>ads.</i> Woodson.....	472	Kuperschmidt <i>v.</i> Met. St. Ry.	
Horton <i>v.</i> Gill-Judge.....	160	Co.	617
Hotovy <i>ads.</i> Ruzicka.....	163	Kushes <i>v.</i> Ginsburg.....	250
House <i>v.</i> Brilliant.....	473	Lackawanna I. & S. Co. <i>ads.</i>	
Houser <i>ads.</i> State <i>ex rel.</i>		Hemstock.....	158, 165
Cook.....	52, 58	Lacs <i>v.</i> Edward's Breweries ..	619
Houston Electric Co. <i>ads.</i> Lewis	546	Lancaster <i>ads.</i> State.....	326
Hughes <i>v.</i> Oregon Iron Co ...	551	Lavine <i>ads.</i> Massi.....	473
Humphries <i>ads.</i> Rex.....	170	Lehmaier <i>v.</i> Jones.....	248
Hunt <i>ads.</i> McKee.....	62	Lent <i>ads.</i> Bosea.....	163
Hunt's Will, <i>In re</i>	64	Lexington Hydraulic, etc., Co.	
Icenbice <i>ads.</i> State.....	165	<i>v.</i> Oots.....	398
Indianapolis <i>ads.</i> Monaghan...	549	Lewis <i>v.</i> Houston Electric Co..	546
Inman Mfg. Co. <i>v.</i> Amer.		Lockner <i>v.</i> New York.....	462, 471
Cereal Co.....	56, 60	Lombard <i>ads.</i> Anglo-American	
<i>In re</i> Aubrey.....	323	Co.	235, 247
<i>In re</i> Petition of Old Dominion		Londonberry, etc., R. Co. <i>ads.</i>	
Steamship Co., etc.....	234, 243	McCartney.....	65
Insurance Co. <i>ads.</i> Bateman...	474	Lorain Steel Co. <i>v.</i> Steel Ry Co.	478

LXVIII

	PAGE		PAGE
Louisville & U. R. Co. <i>v.</i> Wil-		Monaghan <i>v.</i> Indianapolis . . .	549
son	543, 552	Monahan <i>v.</i> Monahan . . .	317, 331
Lowe <i>ads.</i> Kellogg	548	Morris <i>v.</i> Press Pub. Co.	322
Macintyre (or Grimond) <i>ads.</i>		Muhlker <i>v.</i> N. Y. & Harlem R.	
Grimond	621	Co.	542, 546
Madisonville Traction Co. <i>v.</i> St.		Nassau Newspaper Delivery Ex-	
Bernard Mining Co.	389, 397	press Co. <i>ads.</i> Wilkins	328
Maj. Gen. Brooke <i>ads.</i> Countess		National Cash Register Co. <i>v.</i>	
of Buena Vista	394, 406	Hill	168
Mallory <i>ads.</i> State	241, 245	New Omaha, etc., Elec. Co. <i>v.</i>	
Marble <i>ads.</i> State	614	Anderson	330
Martin <i>v.</i> Gunnison	479	New York <i>ads.</i> Lockner . . .	462, 471
Massi <i>v.</i> Lavine	473	N. Y. & H. Ry. <i>v.</i> Muhlker .	542, 546
Mattson <i>v.</i> Minn. & N. W. Ry.		Nobles <i>ads.</i> Tripp	67
Co.	552	Northern Pac. Ry. Co. <i>v.</i> Amer.	
Matter of Balte	160	Trad. Co.	243
Matter of O'Berry	66	No. Pac. Ry. Co. <i>ads.</i> May .	539, 548
Mauske <i>v.</i> City of Milwaukee .	248	Nottage <i>v.</i> Sawmill Phoenix . .	402
May <i>v.</i> Northern Pac. Ry. Co.		Nulton <i>v.</i> Croskey	467, 477
	539, 548	O'Berry, <i>Matter of</i>	66
McAdoo <i>ads.</i> Phelps	611, 616	O'Brien <i>ads.</i> Chicago & N. W.	
McCarron <i>v.</i> Dominion Atl. Ry.		Ry. Co.	162
Co.	468, 471	O'Brien <i>v.</i> Kellogg Switch-	
McCartney <i>v.</i> Londonberry, etc.,		board Co.	548
Ry. Co.	65	O'Connor <i>v.</i> Virginia Pass. &	
McClaine <i>v.</i> Rankin	606, 616	Power Co.	398
McCord <i>v.</i> Haines	478	Ohio <i>ads.</i> Cleveland, etc., R.	
McCullough <i>v.</i> Broad Exchange		Co.	60
Co.	404	Old Dominion Steamship Co.,	
McGrouther <i>v.</i> Pitcher	62	<i>In re</i>	234, 243
McGuinness <i>v.</i> Court Elm City		Oots <i>ads.</i> Lexington Hydraulic	
No. 1, F. O. A.	547	Co.	398
McKee <i>v.</i> Hunt	62	Oregon Iron Co. <i>v.</i> Hughes . .	551
McLoughlin <i>v.</i> Interurban St.		Orsdel <i>ads.</i> Straemer	547
Ry. Co.	403	Ossman <i>v.</i> Crowley	403
Metcalfe <i>v.</i> Union Trust Co.		Otis Elev. Co. <i>ads.</i> Kahner . .	67
	391, 407	Pabst Brewing Co. <i>v.</i> Thorley .	329
Metropolitan St. Ry. Co. <i>ads.</i>		Pabst Co. <i>v.</i> Crenshaw	546
Kuperschmidt	617	Partridge <i>ads.</i> People <i>ex rel.</i>	
Metropolitan St. Ry. Co. <i>ads.</i>		Garvey	321
Wormser	324	Pearlmoor, The	161
Metropolitan Trust Co. <i>ads.</i>		Pech <i>ads.</i> Weideman	475
Gregg	613	People <i>v.</i> Abeel	325
Meyler <i>ads.</i> Wedding	60	People <i>v.</i> Ebelt	466, 472
Milbrath <i>ads.</i> Pietsch	404	People <i>v.</i> Ft. George Realty Co.	66
Miller <i>ads.</i> Hazleton	474	People <i>v.</i> Harber	325
Miller <i>ads.</i> People <i>ex rel.</i> The		People <i>v.</i> Jailles	474
Realty Co.	479	People <i>ads.</i> Perneti	329
Miller <i>v.</i> Quincy	163	People <i>v.</i> Rimieri	326
Mills <i>v.</i> U. S. Printing Co.		People <i>v.</i> Spencer	61
	239, 245	People <i>v.</i> Wiechers	237, 249
Milward <i>ads.</i> Ætna Life Ins.		People <i>v.</i> Woods	541, 548
Co.	165	People <i>ex rel.</i> Cossey <i>v.</i> Grout .	162
Minn. & N. W. Ry. Co. <i>ads.</i>		People <i>ex rel.</i> Garvey <i>v.</i> Part-	
Mattson	552	ridge	321
Moeschen <i>ads.</i> Ten. House			
Dept. of New York	59		

PAGE	PAGE
People <i>ex rel.</i> The Realty Co. v. Miller..... 479	Saxlehner v. Eisner 615
Penn. Ry. Co. <i>ads.</i> Western Union Tel. Co..... 405	Schick v. U. S. 48, 59
Penn. Casualty Co. v. Bacon .. 402	Schoenfeld <i>ads.</i> Burns..... 550
Perkins <i>ads.</i> Fisher Textile Co.. 245	Schwake <i>ads.</i> Kansas City N. W. R. Co..... 167
Pernetti v. People 329	Seagroves <i>ads.</i> State..... 470
Perrin <i>ads.</i> Akley 321	Seamans v. Barentsen..... 403
Petit v. Petit 400	Sharp v. Johnson..... 548
Phelps v. McAdoo..... 611, 616	Sheddon v. Stiles 476
Phinney v. State <i>ex rel.</i> Stratton 331	Sheftall v. Central of Ga. Ry. Co..... 610, 618
Pietsch v. Milbrath..... 404	Simonds v. Ga. S. & C. Co.... 402
Pine v. Pine..... 61	Slack <i>ads.</i> Walter Baker & Co. 238, 251
Pitcher <i>ads.</i> McGrouther..... 62	Smith <i>ads.</i> Trustees of Town of Brookhaven..... 168
Porter <i>ads.</i> State <i>ex rel.</i> Fisk... 59	So. Ry. Co. <i>ads.</i> Reeves..... 471
Powell & Thomas v. Evan, Jones & Co..... 319, 322	Spencer <i>ads.</i> People 61
Pratt v. Davis.. 395, 406	Spinks <i>ads.</i> Union Cent. Life Ins. Co..... 327
Press Pub. Co. <i>ads.</i> Morris.... 322	State <i>ads.</i> Beattie 472
Prewitt Ins. Comm'r <i>ads.</i> Travellers' Ins. Co. 231, 244	State <i>ads.</i> De Florirn..... 400
Quincey <i>ads.</i> Miller..... 163	State v. District Court.... 318, 326
Rabenstein <i>ads.</i> Brashear..... 550	State v. French..... 313, 323
Railroad Co. <i>ads.</i> Union Stock Yards Co. 406	State v. Icenbice..... 165
Railway Co. <i>ads.</i> Clay..... 551	State v. Jadwin..... 478
Rainford v. Keith & Blackman Co. 472	State v. Kelly..... 157, 164
Rankin <i>ads.</i> McClaine .. 606, 616	State v. Lancaster..... 326
Rascover v. Amer. Linseed Co. 324	State v. Mallory..... 241, 245
Reeves v. Southern Ry. Co.... 471	State v. Marble..... 614
Reiss <i>ads.</i> Feiner..... 154, 164	State v. Rippeth..... 247
Rex v. Dharma..... 616	State v. Sandford..... 315, 325
Rex v. Humphries 170	State v. Seagroves..... 470
Rex <i>ads.</i> West Rand Central Gold Mining Co..... 617	State v. Williams .. 547
Riggins, <i>ex parte</i> 465, 470	State <i>ex rel.</i> Cook v. Hauser. 52, 58
Rimieri <i>ads.</i> People 326	State <i>ex rel.</i> Fisk v. Porter... 59
Rippeth <i>ads.</i> State..... 247	State <i>ex rel.</i> Stratton <i>ads.</i> Phinney..... 331
Ritch <i>ads.</i> Fayerweather..... 166	Steam Dredge, The.... 470
Roberts <i>ads.</i> Alabama etc. R. Co..... 166	Stephens v. Dudbridge Iron Works Co.... 62
Rosseau v. Rouss..... 327	Stevens v. King..... 170
Rouss <i>ads.</i> Rosseau..... 327	St. Bernard Mining Co. <i>ads.</i> Madisonville Traction Co... 389, 397
Roy <i>ads.</i> Ferguson..... 64	Stiles <i>ads.</i> Sheddon 476
Ruzicka v. Hotovy 163	St. Louis Transit Co. <i>ads.</i> Breen 243
Russia Cement Co. v. Frauenhar..... 63	Street Railway Co. <i>ads.</i> Lorain Steel Co..... 478
Saleeby v. Central R. Co. of N. J..... 244	Strickley <i>ads.</i> Highland Bay Gold Mining Co.. . 162
Sandford <i>ads.</i> State..... 315, 325	Stroemer v. Orsdel..... 547
Sauer v. City of New York.... 250	Supreme Body of International Congress <i>ads.</i> Dick 247
Sawmills Phoenix <i>ads.</i> Nottage 402	Sup. Lodge K. P. v. Bradley .. 327
	Swift & Co. v. U. S..... 388, 397
	Taussig Co. <i>ads.</i> Francke.... 619

PAGE	PAGE
Tenement House Dept. of New York <i>v.</i> Moeschen	59
Texas & Pacific Ry. Co. <i>v.</i> Dashiell	552
Thomas <i>v.</i> Bd. of Trustees of the Ohio State University . . .	246
Thomas <i>ads.</i> Gibson	475
Thomas <i>v.</i> Wade	330
Thompson <i>ads.</i> Jackson	620
Thorley <i>ads.</i> Pabst Brewing Co.	329
Tilley <i>ads.</i> Vroom	328
Traveller's Ins. Co. <i>v.</i> Prewitt Ins. Comm'r	231, 244
Triche <i>ads.</i> False	405
Tripp <i>v.</i> Nobles	69
Trustees of Town of Brookhaven <i>v.</i> Smith	168
Turner <i>v.</i> Degnon McLean Contracting Co.	251
Union Central Life Ins. Co. <i>v.</i> Spinks	327
Union Stock Yards Co. <i>v.</i> Railroad Co.	406
Union Trust Co. <i>ads.</i> Metcalfe	391, 407
U. S. <i>v.</i> Griswold	545
U. S. <i>v.</i> Ju Toy	537, 545
U. S. <i>v.</i> Kol See	59
U. S. <i>ads.</i> West Va. N. R. Co.,	248
U. S. <i>ads.</i> Swift & Co.	388, 397
U. S. Printing Co. <i>ads.</i> Mills	239, 245
U. S. Express Co. <i>v.</i> Joyce	323
U. S. Savings & Loan Co. <i>v.</i> Convent of St. Rose	399
U. S. <i>ads.</i> Schick	48, 59
Viemeister <i>v.</i> Brooklyn Heights R. Co.	618
Virginia Passenger & Power Co. <i>ads.</i> O'Connor	398
Vogel <i>v.</i> American Bridge Co.	475
Vroom <i>v.</i> Tilley	328
Wade <i>ads.</i> Thomas	330
Waldbridge <i>ads.</i> Walker	618
Walker Ex'rs. <i>v.</i> Hill	552
Walker <i>v.</i> Walbridge	618
Walter Baker & Co. <i>v.</i> Slack	238, 251
Walters <i>v.</i> Cline	477
Waters & Co. <i>v.</i> Gerard	549
Watson <i>v.</i> Board	608, 620
Wedding <i>v.</i> Meyler	60
Weideman <i>v.</i> Peck	475
Wells Co. <i>ads.</i> Gastonia Cotton M. Co.	61
Werner <i>ads.</i> Byrne	250
West Rand Central Gold Mining Co. <i>v.</i> Rex	617
Western Union Tel. Co. <i>ads.</i> Dehougne	476
Western Union Telegraph Co. <i>ads.</i> Frazier	170
Western Union Telegraph Co. <i>v.</i> Penn. Ry. Co.	405
West Va. N. R. Co. <i>v.</i> U. S.	248
Wetzel <i>ads.</i> Bank of Ravenswood	615
Whitcomb <i>v.</i> City of Waterville	60
Whiteside <i>ads.</i> Golden	400
White-Smith Pub. Co. <i>v.</i> Apollo Co.	615
Wiechers <i>ads.</i> People	237, 249
Wilkins <i>v.</i> Nassau Newspaper Delivery Express Co.	328
Williams <i>v.</i> Camden Interstate Ry. Co.	545
Williams <i>ads.</i> State	547
Willis <i>ads.</i> Witt	478
Wilson <i>ads.</i> Louisville & U. R. R. Co.	543, 552
Witt <i>v.</i> Willis	478
Woods <i>ads.</i> Dane	538, 549
Woodson <i>v.</i> Hopkins	472
Woods <i>ads.</i> People	541, 548
Wormser <i>v.</i> Met. St. Ry. Co.	324
Wright <i>ads.</i> Butler	617
Wrightson, <i>In re</i>	167
York <i>ads.</i> Choiser	55, 58
Yesler Estate <i>v.</i> Holmes	605, 620
Yzquierdo <i>y.</i> Costaneda <i>ads.</i> Clydebank Co.	398